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HEARING

BEFORE THE

COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

GARY L. BAUER, OF VIRGINIA, TO BE UNDER SECRETARY OF EDUCATION, DEPARTMENT OF EDUCATION

JUNE 4, 1985

Printed for the use of the Committee on Labor and Human Resources

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TUESDAY, JUNE 4, 1985

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met at 2 p.m. in room 430, Dirksen Senate Office Building, Senator Robert T. Stafford, presiding pro tempore.

Present: Senators Stafford, Pell, Thurmond, Hawkins, Grassley, and Kerry.

OPENING STATEMENT OF SENATOR STAFFORD

Senator STAFFORD. The Committee on Labor and Human Resources will please come to order. The chairman, Senator Hatch, has been unavoidably kept at another hearing, and he has asked me, as chairman of the subcommittee and ranking member of the majority side, to begin the hearing in his absence.

This is a hearing with respect to Gary Bauer to be Under Secretary of the Department of Education, and the Chair notices that the colleagues on the panel are here. The Chair is also pleased that an old friend and comrade in many a battle in the House, Congressman Silvio Conte, is here as well.

Senator McConnell, did you wish to say a few words about Mr. Bauer?

STATEMENT OF HON. MITCH McCONNELL, A U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator MCCONNELL. It is my pleasure to have the opportunity to introduce to the committee Gary L. Bauer and to support his nomination and confirmation as Under Secretary of Education.

I know you have Gary's biography so I will not take the committee's time to review his educational background and work experience. What I would like to talk about, however, is the impressive list of achievements Gary has accomplished in his service at the Department as Deputy Under Secretary for Terrel Bell.

It was Gary's office that developed the concept of the Presidential Academic Fitness Award, which has resulted in over 760,000 students being honored by their community and peers for excellence in education. Gary chaired the President's Task Force on School Discipline that reminded us that many of our minority and low-income children are losing their rights to an education because of disruptive classrooms.

As a result of that report, the Justice Department has been directed by the President to search for ways to strengthen the ability

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of teachers and school administrators to deal with the discipline issue. Gary has been the lead in the Department on the drug abuse issue and helped coordinate the delivery of over 4 million comic books to this country's fourth, fifth, and sixth graders with an anti-drug message. He has worked to facilitate and encourage American businesses to form partnership with our schools, particularly in our urban inner city schools.

I think Gary's involvement in all of these areas is a reflection of his own background. He grew up in an urban school system in the greater Cincinnati area—specifically Newport, KY. The schools Gary received his education in had many of the problems low-income youngsters face today—drug and alcohol abuse, lack of financial resources, out-of-date books, et cetera. Gary made it out of that school system in spite of the obstacles, but he understands the problems that resulted in many children never getting the education they need.

I believe he will bring both good management skills and sensitivity to the needs of our children to the No. 2 post at the Department. I hope this Committee agrees and moves quickly to put him in that role.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Senator.

Mr. CONTE.

STATEMENT OF HON. SILVIO O. CONTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. CONTE. Mr. Chairman and distinguished members of this committee, I am pleased to join with the Senator from Kentucky in introducing Gary L. Bauer, and in supporting his nomination to be Under Secretary of Education.

First, let me say that I appreciate the opportunity to appear here today. It is a rare occasion for me to venture forth into the other House where, as I have said before, the gentlemen and women of stature live, and I hope you will not be too rough on me, a paisan from the other side of the Hill.

Senator STAFFORD. The Senate knows better than to do that.

Mr. CONTE. Having served in the House of Representatives for some 27 years now, and before that having served in the Massachusetts State Senate, once in awhile, I get a letter from an errant constituent addressing me as Senator. And I want you to know that I always consider it a compliment.

As the dean of the Republican delegation from Massachusetts, and as the ranking minority member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, I have had an opportunity to hear Mr. Bauer testify over a dozen times during the past 2½ years. I have also had the occasion to work with him on a variety of issues.

Over most of that time, he sat at Ted Bell's right hand and served him well. More recently, he appeared with the new Secretary, Bill Bennett, before the Appropriations Committee and guided him through what must have been the smoothest hearing to date.

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Of course, as seems inevitable in politicis, there have been times when I have agreed, and there have been times when I have vigorously disagreed with the positions that Gary and his budget staff have presented to my committee on behalf of the administration.

But whether we have been in agreement or not, Mr. Bauer has been the type of honest, direct, and cooperative representative of the Department that I believe all of us in Congress expect to work with in the executive branch.

Most important, Gary, while not shying away from arguing the administration's views articulately and aggressively, has always, once the Congress acted, carried out our intent, even when it disagreed with administration proposals.

In addition, from my experience, he has run and managed one of the best budget offices in the Federal Government. And I think the management skills he has demonstrated over the past 2½ years are an indication of how he will manage the Department in the role of Under Secretary.

At this time, probably more so than at any other time in the Department's history, it is important to have a top hand in the Office of the Secretary experienced in dealing with the Congress who knows the ropes, and who has demonstrated that he can put up the good fight but also respond to the will of Congress once we have spoken. I also believe his managerial skills will be a positive asset to the smooth and efficient operation of the Department.

I sincerely hope this distinguished committee will agree with my assessment and recommend Gary Bauer to be confirmed as the next Under Secretary of Education. And I will cook the pasta for his confirmation dinner, to which you are all invited.

Thank you very much.

Senator STAFFORD. Thank you very much, Congressman.

What you tell us will carry considerable weight in this committee, and we appreciate your coming over to this side of the Capitol to do it.

As you know, the Senator from Vermont on occasion goes to the other side to restore my sanity. We understand that you have pressing duties elsewhere, but you are invited to stay if you wish.

Mr. CONTE. Thank you, Governor.

Senator STAFFORD. Without objection, the Chair will place statements by Senator Hatch, the chairman of the full committee, Grassley, Kennedy, and Kerry in the record.

[The opening statements of Senators Hatch, Grassley, Kennedy, and Kerry follow:]

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. This afternoon the Committee on Labor and Human Resources meets to consider President Reagan's nomination to Gary L. Bauer to be Under Secretary of Education. This is an important administrative position. The Under Secretary is charged with much of the day-to-day management of the Department of Education, a contribution that eases the administration load of the Secretary so that he has time to consider policy and serve as a national advocate for education. As an administrator, the Under Secretary bears a substantial responsibility for ensuring

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that Federal education laws are faithfully and optimally executed, and that within the spirit of these laws, the President's education policies are fulfilled.

Gary Bauer is eminently qualified to be Under Secretary. He has already demonstrated his administrative abilities during his years as Deputy Under Secretary for Planning, Budget and Evaluation. This is itself a difficult and politically sensitive position that has familiarized Mr. Bauer with the entire Department and brought him frequently to testify on Capitol Hill. By all accounts, he has served the President, the Secretary and the Nation faithfully, honorably and diplomatically. I have heard nothing but praise on the Hill for Mr. Bauer's conduct of his office.

In recent years the two most important reports to be initiated by the Department of Education have been "A Nation at Risk" and the "Report on School Violence and Discipline." The first dealt with the deplorable decline of educational standards in our public schools, and the second dealt with the crime and violence that, for too many schools, have made the frist problem so intractable. Mr. Bauer chaired the task force that prepared this second report that has received much deserved attention. Since the report's release, 11 States have enacted school discipline laws, 14 States have formed their own task forces to study the problem, 18 States have developed reports, and 17 States have undertaken other school discipline initiatives.

Gary Bauer has also been primarily responsible for implementing President Reagan's "Partnerships in Education Program," an effort to promote cooperation among businesses, parents, civic groups, and schools. He has been a leader in the Department's fight against drug abuse, and was instrumental in the Department's developing antidrug abuse materials for children and sending these to fourth, fifth and sixth grade classrooms all over the country.

Mr. Bauer is an accomplished civil servant who as Under Secretary will serve the Nation well. It is my pleasure to welcome him here today, and I look forward to voting for his nomination.

OPENING STATEMENT OF SENATOR GRASSLEY

Senator GRASSLEY. Mr. Chairman, I appreciate the opportunity to consider the nomination of Mr. Gary L. Bauer for Under Secretary of the Department of Education this afternoon. Mr. Bauer is an excellent choice for the position of Under Secretary because of his experience in education policy within the Department of Education and his strong administrative skills.

For the past 3 years, Mr. Bauer has served ably as the Deputy Under Secretary for Planning, Budget and Evaluation. During that time, he chaired a working group on school discipline and provided creative leadership to address a problem that the Gallop Poll has indentified as the No. 1 problem in education for 15 years. Recognizing that order in America's schools is a basic prerequisite to learning, Mr. Bauer spearheaded efforts to disseminate examples of effective local solution and worked with the Department of Justice on a joint project to assist local school districts in preventing school crime. As a result of this very successful initiative, numerous

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States have conducted studies, passed legislation and taken other steps to counter school discipline problems.

Additionally, in his former capacity as Deputy Under Secretary, Mr. Bauer took the lead in promoting collaboration between schools and local business, civic groups, and parents. The report of the National Commission on Excellence in Education, as well as other education studies, have emphasized the need for schools to tap into the unparalleled resources they have available to them to enhance the learning of children. Through Mr. Bauer's efforts, the Department has widely distributed materials on how schools can form model partnerships within the communities and improve their education programs.

Through his involvement in a number of education quality and budget issues, Mr. Bauer has proven to be a very capable Administrator. His efforts also show his recognition of the very important role the Federal Government plays in identifying national educational goals and providing leadership to address them. In his new position, I feel that Mr. Bauer will be a strong advocate for education and I look forward to his speedy confirmation by this committee and the full Senate.

OPENING STATEMENT OF SENATOR KENNEDY

Senator KENNEDY. I am pleased to participate in these hearings on the nomination of Gary Bauer for Under Secretary of the Department of Education. Generally, I believe that Mr. Bauer is well qualified to serve as Under Secretary of Education. His record as Deputy Under Secretary in the Office of Budget, Planning and Evaluation, as well as his short tenure as Under Secretary Designate, lead me to believe that he can effectively carry out his role as Under Secretary.

The Under Secretary of Education is second in command in a Department whose function is growing in importance. The Federal Government's role is evolving as we seek to accommodate our traditional Federal role with the new demands for excellence and reform. I understand that the Secretary has organized his staff to give the Under Secretary significant duties in the management and the day-to-day operations of the Department.

While I am confident that Mr. Bauer can carry out the task of Under Secretary, I have some questions regarding the direction of the Department of Education. In the last few months, we have seen the Department propose revisions in the Student Aid Program that would adversely affect millions of students. We have seen the Department seek to hire persons philosophically opposed to its existence and whose views on handicapped education are, in the words of the Secretary himself, "insensitive and repugnant."

These issues concern me. I believe the Department of Education must get beyond these issues and move to the more important issues of delivering a quality education to our Nation's children. Although I am unable to be here to present my questions in person, I will be submitting questions for the record.

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OPENING STATEMENT OF SENATOR KERRY

Senator Kerry. Mr. Chairman. I am grateful for this opportunity to welcome Mr. Bauer to the committee and to discuss with him some concerns that I have about the future of public education and the role that the Federal Government will have in that future.

Mr. Bauer is on record as saying that this committee is "very liberal" and that he is a "fairly conservative nominee." I will resist any temptation to argue either of those points because Mr. Bauer also said at that time that he was "considered a person the Hill can work with." It is my hope that that is indeed true and I look forward to working closely on issues of mutual concern.

However, the truth is that I am very troubled and concerned about the way this administration perceives its role in the education of our children and what I see as the evolution of its role. I am also concerned about an administration and Department that appears to listen to the voices of the far right with great interest while ignoring other voices. This very small constituency has had an inordinate amount of influence on the Department of Education's policies.

The administration began its tenure by proposing the elimination of the Department of Education on the grounds that the Federal Government has no responsibility interfering with the rights and responsibilities of local governments. While the destruction of the Department was quickly abandoned, the mandate to change the face of the Federal Government's participation has begun to be realized.

I believe that the Hatch amendment regulations issued by the Department during this administration are a case in point. I was not a member of this body when the distinguished chairman of this committee authored his amendments. And while I would not presume to interpret his intent of so many years ago, I think it is clear that the regulations issued go well beyond Congress' intent. Those regulations take the Federal Government into an area that the President has told us he doesn't think they belong. This administration, which has continually demanded that Government "get off the backs of the people," has shown its desire to inject the Federal Government directly into our Nation's schoolrooms. I hope that you will study this matter with some energy and care.

I also hope that the administration will give a great deal of thought to its support for tuition tax credits and education vouchers and school prayer and its failure to support chapter 1, adult education and other programs that have proven their effectiveness over the years.

Mr. Chairman, I do not believe that the President, the Secretary and Mr. Bauer will convert overnight to a new view, but I do hope that dialog can continue from both sides and not just from those on the right who would impose their moral vision on the rest of the country.

I ask unanimous consent that my statement be printed in the record of these hearings and that my questions to Mr. Bauer be submitted to him so that he might answer them before we are asked to vote on his confirmation.

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Senator STAFFORD. I have no opening statement beyond welcoming Mr Bauer here for this hearing——

Senator THURMOND. Mr. Chairman, I am due on the floor, if the Senator would not mind.

Senator STAFFORD [continuing]. Certainly. Go ahead.

Senator THURMOND. Mr. Chairman, I would like to voice my strong support for the nomination of Mr. Gary L. Bauer to be the Under Secretary of the Department of Education. Mr. Bauer has outstanding credentials, and I am personally aware of his high level of competence in his current duties at the Department of Education. He is eminently qualified to serve as the second highest official in the Department.

Mr. Bauer has been the Deputy Under Secretary for Planning, Budget, and Evaluation since 1982. During his tenure, he chaired the school discipline project of the Cabinet Council for Human Resources. Mr. Bauer devoted much time and energy to a highly acclaimed report entitled "Chaos in Our Schools," which was delivered to the President in January 1984. Subsequently, Mr. Bauer testified before the Senate Judiciary Committee on Juvenile Justice and did an excellent job informing us of the important findings of this report.

From 1980 and 1982, Mr. Bauer capably served the President as a senior adviser on a variety of domestic issues.

Mr. Bauer was born in Kentucky. He worked his way through college and law school, and ultimately obtained a law degree from Georgetown University in 1973.

I commend the President for nominating such an honest, hard working, and capable individual as Gary Bauer to this important position. Our committee should favorably report Mr. Bauer without delay, and I look forward to his speedy confirmation by the full Senate.

If there is action taken this afternoon on the nomination, I wish you would vote me for it. I have to get to the floor because the defense bill is coming up.

Senator STAFFORD. If it comes to a vote this afternoon, I certainly will.

Now we would be very happy to hear any statement that you care to make, Senator Pell, as the ranking member of this subcommittee.

Senator PELL. Thank you very much, Mr. Chairman.

I know it is a great pleasure to join you in welcoming Mr. Bauer here today. Those of us who have had an excellent working relationship with his predecessor, Gary Jones, and I am very much looking forward to continuing the same way with Mr. Bauer.

While I do not question the qualifications of the experience that the nominee would bring to the position of Under Secretary, while I personally have high regard for him, I do have some questions regarding education programs and priorities, and if this is the appropriate time, I could start with some questions.

Senator STAFFORD. I think we should let Mr. Bauer make a statement, if he wishes, and then we can go back for the questions.

Mr. Bauer, we would be pleased to hear your statement.

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STATEMENT OF GARY L. BAUER, NOMINEE FOR UNDER SECRETARY, U.S. DEPARTMENT OF EDUCATION

Mr. BAUER. Thank you, Mr. Chairman.

It is my pleasure to appear before you and this committee today as the President's nominee for the post of Under Secretary of Education.

For nearly 3 years now, I have served as Deputy Under Secretary of Education for Planning, Budget, and Evaluation. It has been my privilege to work in this important field during a period of intense national debate and comprehensive educational reform. I believe that I have made a contribution through my work at the Department to that national dialog, and I hope I will have the opportunity to continue to do so in the months ahead.

Over the last 3 years, I have testified before various congressional committees over 40 times. I have had over 200 outreach meetings with every educational group in Washington. I have visited dozens of elementary and secondary schools and have spoken to thousands of students about educational reform. This dialog has been important, not only because it gave me the opportunity to explain President Reagan's, former Secretary Bell's, and Secretary Bennett's views on education, but it also gave me an opportunity to listen to the wide variety of other views on how to pass on learning to the next generation.

If I am confirmed by this committee, I will continue to solicit the views of others, work closely and honestly with the Congress, and attempt to manage the Department and its programs so that our children receive every possible benefit from each dollar of available resources. Working with this committee and others in Congress, I believe together we can keep the debate and the reform movement going. I look forward to that challenge.

Thank you.

Mr. Chairman, I would be happy to answer your questions.

[The biographical sketch of Mr. Bauer follows:]

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STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: Bauer (LAST) Gary (FIRST) Lee (MIDDLE)

Position to which nominated: The Under Secretary of Education Date of nomination:

Date of birth: 4 (DAY) 5 (MONTH) 46 (YEAR) Place of birth: Covington, Kentucky

Marital status: Married Full name of spouse: Carol Hoke Bauer

Name and ages of children: Elyse Anne Bauer 7 years old

Sarah Elizabeth Bauer 3 years old

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	Georgetown College	1964-1968	B.A.	May 1968
	Georgetown University Law	1968-1973	J.D	June 1973

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Cook Memorial Scholarship to Georgetown Law, 1973

Dean's List, Georgetown College, 6 Semesters

Church Scholarship, Georgetown College, 2 years

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Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
U.S. Chamber of Commerce	Member, Task Force on Privacy	1978-1980

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

1/69-1/71: Republican National Committee, Wash., D.C., Research/Writer

1/71-8/73: Same as Above, Director of Opposition Research - Directed a research staff of 10 in a wide variety of domestic and foreign policy issues.

8/73-10/76: Direct Mail/Marketing Association, Wash., D.C., Assistant Director of Government Relations; Number two man in Wash., D.C. Office - Coordinated State/Federal Government relations.

10/76-8/80: Same as Above, Director of Government Relations - Responsible for legislative activities on State and Federal level.

8/80-11/80: Reagan-Bush National Headquarters, Senior Policy Analyst - Writing, research, strategy input.

11/80-1/81: Office of the President-Elect, Wash., D.C., Assistant Director for Policy, Community Services Administration - Responsible for survey of Agency's activities.

1/81-11/81: White House Office of Policy Development, Policy Analyst.

11/81-6/82: Same as Above, Policy Advisor.

6/82-8/82: Same as Above, Deputy Assistant Director of Legal Policy - In all three capacities, advised the President on a variety of domestic issues.

8/82-Present: U.S. Department of Education, Wash., D.C., Deputy Under Secretary for Planning, Budget and Evaluation - Responsible for the Department's planning, budget and evaluation activities.

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Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

None

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

"Fighting Government Regulation: Who Says You Can't Win" - Assocation Management Magazine, October 1977

"Requiem" - Stars & Stripes, May 1980

"Restoring Order to the Public Schools" - Phi Delta Kappan, March 1985

"Teaching D's and E's" - Ambassador, Spring 1984, Volume 6, No. 1 (The Hugh O'Brian Youth Foundation)

"Bring Values Back to College" - The Washington Times, June 12, 1984.

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

8/80-11/80: Reagan-Bush National Campaign Headquarters, Arlington, Virginia

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Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Previous employer was the White House; all financial connections have been severed.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No such plans.

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

No such arrangements, agreements or dealings.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

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3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

From October 1976 to August 1980, in my position at the Direct Mail/Marketing Association, I assisted in the organization of "grassroots" lobbying activities related to postal issues and the regulation of commercial and charitable mailing lists as that related to the larger issue of privacy regulations. Worked closely with the Commission on Privacy chaired by David F. Linowes.

From September 1982 to the present, I have been an advocate for the Administration's education policies before the Congress.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

Not applicable.

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Senator STAFFORD. Thank you, Mr. Bauer.

I must say that you have spoken with a brevity that would do honor to Calvin Coolidge.

I do have some questions, and I am sure Senator Pell does. We might go back and forth on a 5- or 10-minute basis.

Senator PELL. Ten minutes.

Senator STAFFORD. All right.

Mr. Bauer, both Secretary Bell and Under Secretary Jones came from backgrounds that included ongoing experience in the area of education outside of administering the Department, and particularly in elementary and secondary education.

What has your experience been in the field of education beyond the Department?

Mr. BAUER. Mr. Chairman, I have not had a great deal of experience before the Department in the educational field. In the year-and-a-half I have worked at the White House before coming to the Department of Education, I did work on education issues. I feel, however, that given the type of responsibilities that the Under Secretary position has, that I do have the kind of background and experience that would be well suited for that position. I have been in Washington for about 16 years. I think I know how the city works and how the Congress works, and I believe I do have enough qualifications to qualify for this position.

Senator STAFFORD. The President asked Secretary Bell to do a study on the effectiveness of the Federal role in education. According to the Secretary, he should be handing his report in soon. What role, if any, have you played in this study?

Mr. BAUER. Secretary Bennett asked me to collect a variety of information that would be useful for him for this report to the President, and in doing that I have talked basically with people in the Department and the various program offices in an effort to collect information that Secretary Bennett might find useful. I think it is the Secretary's inclination at this point, because there has been so much concern and speculation about exactly what the nature of the report is, to use the budget process, the first major budget cycle that he will direct, as his vehicle for letting the President know where he thinks we need to make improvements in the Department, so I suspect with the press of business and other things that even though we originally set out to send that report to the President within a few months that we may wait until the budget cycle before we do that.

Senator STAFFORD. Secretary Bennett stated on This Week with David Brinkley, back on March 31, and I am quoting, "I do not think we need a Department of Education."

What is your view on this particular matter? Do you think we need a Department of Education?

Mr. BAUER. Well, if I may, Mr. Chairman, as somebody who accepts the label of a conservative, I must admit that when the Congress debated the establishment of the Department, my own feelings were that was an inadvisable thing to do, and I might say I have that view about any new creation of bureaucracy, whether it is at the Pentagon or someplace else. I also believe, however, that the Congress did confront the issue, made a decision, and in spite of efforts by Secretary Bell and the White House to come up with

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other ways to have a Washington presence in education that it would be less than a Cabinet department, that none of those approaches that Secretary Bell and the White House tried have worked. I think at this point the issue is dead, and my own feeling is that since we have a Department of Education that those of us who have worked there have an overwhelming responsibility to make sure it works in the best possible way, fulfills its obligations and delivers services to our children, regardless of what our proposals.

Senator STAFFORD. So if I read you correctly, you intend to carry out the laws of the land with respect to education, to the best of your ability, as long as they are on the books, including the Department of Education?

Mr. BAUER. Absolutely, Senator. Without any hesitation whatsoever.

Senator STAFFORD. Recently Secretary Bennett indicated his support for the so-called European tracking system of education. Do you feel that European schools are better than American schools?

Mr. BAUER. That is a tough question to answer. I think that there is a difficulty in making a comparison because the United States has had such a commitment to equal access of all student–potential student populations across the board. As you know, the European system often leaves behind some students, and does not have, I think, by and large, the same commitment to excellence. I think, given the fact that we tried to make educational opportunities available to everyone, that we do a very good job of doing that, and I think Secretary Bennett's remarks in Chicago were really meant to raise an idea to think about. I do not believe he was indicating some new initiative by the Department, nor do I think he was indicating that any group of our students should be shunted off into a track that would not give them the same opportunities as other students in our society.

Senator STAFFORD. If I read you correctly once again, the European system does deny a lot of students an opportunity for a higher education, and the cutoff for access to higher education in the European system occurs around the time they are 13 years old.

Mr. BAUER. Yes, indeed.

Senator STAFFORD. So it is very difficult to compare the two.

Mr. BAUER. Absolutely.

Senator STAFFORD. In my second 5 minutes here, let me ask you questions in the field of higher education. You accompanied Secretary Bennett to a hearing before the House Education and Labor Committee in March of this year. You stated at that time that if the Congress does not move with the Department to impose a cap on family income from the GSL Program, the Department would "move unilaterally." Would you elaborate on what you meant by that statement.

Mr. BAUER. Mr. Chairman, in that hearing, when this issue was being debated, several members of the committee suggested that we had it within our authority at the Department to go on and put an income cap on, even if the Congress did not act. They further suggested that perhaps we were not being completely up front by talking about high income families receiving student aid when we had it within our own ability to do something about it. I said at the

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time if it was within our purview, that certainly given the administration's policies we would want to look into it. When I got back to the Department, we sought legal advice on the issue, and our general counsel's office has indicated that in fact we do not have the discretion that some on the committee, and I thought that afternoon that perhaps we did have, so I do not think there is any question to make any kind of income cap, we would need congressional consent. It is not something within our purview to do unilaterally.

Senator STAFFORD. In other words, the Department would not, in your view, attempt to move unilaterally here, especially if you take into consideration that at least in the Senate budget resolution, a cap of $60,000 has been agreed to? I expect you would abide by that. Am I correct?

Mr. BAUER. Absolutely.

Senator STAFFORD. Do you think, Mr. Bauer, that too many people go to college?

Mr. BAUER. No, I do not think too many people go to college. I think perhaps that because of the variety of trends in the 1960's and the 1970's in our culture that some people do not take the opportunity of a college education and the responsibility of attempting to successfully complete it as seriously as they should, but from a cultural standpoint, and just a trend standpoint, I do not believe that too many of our students attempt to access a higher education.

Senator STAFFORD. Could you reconcile the consistency of the administration as supposedly promoting choice between public and private schools at the elementary and secondary level, while saying it is unnecessary and even wasteful for the Federal Government to do so at the secondary level?

Mr. BAUER. That is a very difficult question, Senator. I think as to the extent that I can explain the difference, we would explain it this way: Even in our proposal, where we are making several suggestions on cutbacks, there still would be a wide degree of choice preserved. It would not certainly be as great for some students as it would be under the previous law, but nevertheless, there would be some choice. At the elementary and secondary level there is virtually no Federal program now that promotes or allows choice, so I think to try to move to allow some choice at the elementary and secondary level is not necessarily inconsistent with supporting policy at the higher area that may in some regard limit choice.

Senator STAFFORD. As we head into the Higher Education Reauthorization Act, we have a number of concerns about contentions that you and the Secretary have made regarding statistics. The first is the apparently inaccurate figure of the number of families with incomes over $100,000 who have, in the past, participated in the student aid programs. When asked about the accuracy of the figures on this program. "It's Your Business," Secretary Bennett said, "7,000, 13,000 what difference does it make?" Well, obviously, it makes a big difference to us when we are trying to improve the program and learn the truth, and there is quite a difference, you will agree, I think, between 7,000 and 13,000, and it is also wise to keep in perspective the fact that some 5 million youngsters are getting some kind of aid in going to college. So it is a mighty small percentage of the total. But I mentioned the 7,000 to 13,000 figure, and the disparity there, because with that kind of an attitude it

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puts the figures that you may supply us statistics that the Department may supply us at some risk as to credibility. Would you care to comment on that?

Mr. BAUER. Well, Senator, we relied on the information from our career employees on the 13,000 figure. Admittedly, it is a figure that can be argued about, and I think what Secretary Bennett meant when he said if it was 7,000, 13,000, it does not make a difference, was the principle that high-income families should not be receiving this aid is the same, whether it is 7,000 or 13,000 families. We are very serious about the reauthorization effort. Secretary Bennett came in at a time when the Congress was moving quite frankly fairly fast in that regard, and we are trying to catch up right now. I think when our proposal comes to the Hill that you will be able to have confidence in the figures we supply you, and we will make every effort to make sure that there is no disagreement on the projections that we supply the Congress.

Senator STAFFORD. All right. I have used my 10 minutes. Senator Pell.

Senator PELL. Thank you very much, Mr. Chairman. It was the fact that the tax credit not used in the President's proposal indicative of the fact that you would not be pushing for that tax credit?

Mr. BAUER. No, Senator Pell. It was a feel at the White House and Treasury that it would be impolitic, if not a contradiction, to be seeking tax simplification with a major tax simplification bill, and at the seme time to include in that bill a new tax credit. I understand, however, that the President has made it very clear that the introduction of the tax simplification bill without tuition tax credits in it should not be in any way be read as indicative of him no longer supporting that concept or not wanting to push strongly for it, and I think if the feeling is at the White House that we would have a greater degree of success than was enjoyed the last time this issue came to a vote, that indeed the President would be sending it back to you again for your consideration.

Mr. BAUER. Yes.

Senator PELL. In regard to the legislation that Senator Nickles and I have introduced would require students to achieve a C average in order to be able to receive student aid. We would be reintroducing this legislation, and I would like to know what the administration's position is in that regard. Would you be supportive of it?

Mr. BAUER. The administration has not taken a position on it, as you know, as of yet, and I think there are conflicting goals, when we talk about the concept that we are concerned about. On the one hand, such a requirement on academic achievement for aid would certainly be consistent with the move toward excellence that I think everybody agrees we should be making. On the other hand, there is a great deal of concern about whether such an examination would accelerate the already severe problem we have in many institutions of higher learning toward grade inflation. And as colleges compete more for a limited number of students, would there be an inclination to give students whatever grades they need to get in order to continue to access the aid, and I think that is a problem we would have to continue to look at. The other problem that I think would concern us is to what extent such a grade requirement would be on aid that would result in lower income or minority stu-

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dents, those who most needed the aid, have difficulty in accessing it.

Senator PELL. Our hunch is that the situation has not particularly changed, but we will see.

Mr. BAUER. I think your judgment in that regard is probably very accurate.

Senator PELL. The Secretary, Mr. Bennett, indicated in his opening to the question of a national voluntary optional achievement test when we discussed this at his hearing. What would be your opinion on the proposal to have the national examination, strictly on a voluntary test, Federal test?

Mr. BAUER. I like the idea of a national test. When you say Federal test, I get a little uncomfortable, because I am not sure I would want the Department to create such a test vehicle. As you know, we do have several tests that are used as measurements that are put together by nationally recognized organizations and are used by the higher education community for a number of reasons, and that is the sort of area that I would like to have smooth, rather than have us at the Department come up with a test that I think would run the risk as being politicized or being charged with being politicized. I do agree with the concept of a national examination that would be administered by someone other than the Department of Education.

Senator PELL. Well, maybe contracted out. My understanding is that your bill might have some provisions that deal with that sort of problem. In short, I think in our view it is an open issue and one we would like to talk with you further about, if we can reconcile ourselves to some of these difficulties.

Senator PELL. I look forward to that. Much indeed.

On another matter in connection with the deadbeats, getting the money back from those who borrowed it, and not repaid it, as you know, we have legislation saying that this information should be made available to the credit card agencies. What is the present status with regard to the implementation of that legislation?

Mr. BAUER. I do not have the figures on the top of my head, Senator, but I can tell you that we are terribly concerned with this issue. At a time of stringent budgets, stories about deadbeats, as you referred to them, are stories that undermine the efforts to achieve a good education that are working. We have, in the last 6 months, diverted over to the Department of Justice 15,000 cases of defaulted student loans with an agreement from Justice that they will pursue prosecution in order to collect that money.

Senator PELL. What about my specific proposal, that it be turned over to the credit card people?

Mr. BAUER. Yes. It is something that we would want to look very hard at, and my own personal opinion would be something that we would want to do in getting a handle on this problem.

Senator PELL. I wonder if you could send us a report on the most recent percentage and what is being done with regard to that credit card approach.

Mr. BAUER. Absolutely.

Senator PELL. I would hope it would be soon implemented.

On another matter, I have worked for some years to improve the education of those in jail, incarcerated, and you have been very

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helpful to us in working with the one percent set aside Voc-Ed Act. Do you have any comments on this subject?

Mr. BAUER. I think I indicated to you in an earlier meeting that it is an area of some interest to me, and one in which I think there may be some room for us to come up with a proposal that both the administration and you would be in support of. We are going to be sponsoring a conference on correctional education later in the year. In fact, I think you have been invited to participate in that, and I, too, have been asked to take a role, and give an address at that conference. I look forward in working with you on it.

Senator PELL. It costs twice as much to send a young man to jail as it does to send him to Yale, and I think it is a good economy move.

Finally, in connection with the Pell grant foundation schedule, to my knowledge the Department has yet to publish that schedule. Could you explain to me what the reasons are for that delay and when it will come out?

Mr. BAUER. Yes. I talked to Mr. Elmendorf about this earlier. We had been holding up the schedule because of the question of the appropriate level of aid. This is $2,000, 50 percent. We did not want to move until we had a clear idea of what the Congress is going to do in this regard. We believe we are beginning to get the signal, but it is not far enough down the road that we feel like we are in a position to move yet. When it becomes clear what the Congress is going to do, we will publish, within 24 hours, such a payment schedule.

We have notified almost all of the students who have indicated their applications are being filed for Pell grants. We have notified them of what they will be likely to receive. I believe only 35,000 students are in the dark about what their situation will be depending on which way the Congress goes. I suspect that this issue will be resolved before this month is over. Certainly, it must be for those students who are going to be beginning school late in the fall.

Senator PELL. In that regard, why have the proposals not been enacted by Congress about what should be our views with regard to the Department's approach to the contribution schedule and a supplemental appropriation as being an effort made by you to limit the Pell Grant Program to administrative action or inaction? I think you see the thrust of my question.

Mr. BAUER. I understand what you are asking. I can only give you my personal assurances that our intent is not to try to somehow limit the availability of the Pell Grant Program.

The Office of Management and Budget, as you know, has had the opinion that in this program, because of the cost problems we have had in the past, we have had a shortfall for a number of years, they have taken the position that perhaps one thing that the Department might want to consider is a linear reduction where a number of students would receive less than the full entitlement of the Pell grant.

Quite frankly, I would like to avoid that if we can. If we would have come out with our schedule earlier, we probably would have been in a position where we would have had to have gone the linear reduction route. We would like to avoid that if we can.

Senator PELL. Thank you.

Thank you very much, Mr. Chairman.

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Senator STAFFORD. Thank you for finishing right on 10 minutes.

Senator PELL. Thank the witness. He really is from Vermont.

Senator STAFFORD. Mr. Bauer, I see that you attended two private institutions for higher education.

How did you finance your higher education?

Mr. BAUER. Mr. Chairman, I worked my way through, for the most part. I did access some student loan programs, and I also believe, on one occasion, I had a Pell grant. I would have to go back and check that. My family income level was such that I did indeed qualify for those programs, I am afraid.

Senator STAFFORD. I am concerned about the staffing situations at the fund for the improvement of postsecondary education.

What has the decline in staff been at the fund for the last 4 years? The concern here is obviously that Congress has rejected your budget requests to cut or eliminate many programs, and now you are trying to accomplish your goal by so short staffing the program as to make it fail.

Mr. BAUER. Senator, to the extent that any actions taking place sent the message that we are trying to accomplish through subterfuge what we could not directly accomplish by coming to the Congress, that would not be an accurate perception. I do not know the exact situation with personnel in that office. I will certainly go back and see what the trend has been and get a complete report for you to make sure the services are being delivered.

Senator STAFFORD. And at your earliest convenience, could you supply the committee with the information on that particular matter?

Mr. BAUER. Yes, sir.

Senator STAFFORD. How much were you involved in the preparation of the administration's budget request for higher education for fiscal year 1986 which cut $2.3 billion?

Mr. BAUER. Mr. Chairman, I was involved with Secretary Bell in putting together the proposal that the Department took to OMB for spending for the various programs in the Department. As you know, the budget process this year was a little different than it had been in the past. Quite frankly, some fairly significant decisions were made at higher levels long before the Department was involved with its specific budget request. The OMB passback was considerably different from the request that we made at the Department. That is a matter of public record at this point.

We have shared that information with several committees on the Hill.

Senator STAFFORD. You are saying that the budget that you and Secretary Bell prepared would not have cut higher education as much as the final product after——

Mr. BAUER. That is right. We basically took an approach in our submission of freezing almost the programs in the Department.

Senator STAFFORD [continuing]. Turning to elementary and secondary education, are there any current elementary and/or secondary programs that you believe are not appropriate Federal responses to education problems and issues?

Mr. BAUER. No; I would not say that there are any programs that do not represent an appropriate Federal role. I think that in all programs, and just as in business for any other area of life,

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many programs could use improvement. Certainly we would want to work with Congress in the months ahead of coming up with ways to do that. But certainly, and by all mind, the major elementary programs, chapter 1, et cetera, it seems to me that that is the absolute epitome of the proper Federal role to help educationally disadvantaged children.

Senator STAFFORD. When asked by Senator DeConcini who summarized priorities—Secretary Bennett said that he favors expansion of State and local control by folding more programs into block grants.

Do you agree with the Secretary on this, and which programs do you think should go?

Mr. BAUER. Philosophically, I like the block grant programs. I think the decisions made or made best by those closest to the schools involved. When you look at the programs of the Department, however, so many of them right now are aimed at specific population groups that conceptually it is more difficult to come up with ways that those programs could be block granted. So I would have, on the one hand, a philosophical commitment to the block grant idea.

On the other hand, I have some problems in my mind when I think about what areas we would be able to move into in order to increase the size of the block grant.

Senator STAFFORD. I think we can come back to my understanding that you intend, as Under Secretary, to carry out the law with respect to education as the Congress has written it in any event.

Am I correct about that?

Mr. BAUER. Senator Stafford, there is no other issue that I could feel much more strongly on than this.

As you know, my own educational background is legal, and I am committed to enforcing the laws. I would not want whatever time I have at the Department to be looked back upon as a time when congressional intent was not followed. And it is a matter of importance to me. And I cannot assure you strongly enough that there will ever be a question in that regard.

Senator STAFFORD. Both you and Secretary Bennett have appeared on the television show, The 700 Club, whose host once stated that "The ultimate solution we have to work with is to get the State out of the business of educating kids at the primary and secondary levels."

Do you agree with that statement?

Mr. BAUER. Did you say the host stated that?

Senator STAFFORD. The host at The 700 Club made that statement. Neither you nor Secretary Bennett.

I wanted to know if either of you said that.

Mr. BAUER. No. I would not agree that that is the prime goal. I would agree that one goal is to provide more parental choice when we can, and I know that our position is one that provides consternation in that area of responsibility. I would not go along with the host in that regard.

Senator STAFFORD. As you know, Eileen Gardner has stated repeatedly that Secretary Bennett was quite aware of her writings and views before asking her to join the staff.

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What was your involvement in the hiring and eventual firing of Eileen Gardner and Lawrence Uzzell?

Mr. BAUER. Secretary Bennett had decided before he was even confirmed that he would like to have both individuals working in the Department. My involvement was a brief interview with Mr. Uzzell before he was put on as a consultant.

The Secretary, in the very heated atmosphere that resulted in Mr. Uzzell and Ms. Gardner stepping down from their post, really took day-to-day control of that situation because it was so highly visible and made his own decisions about which way to go. My own role was, I think, in retrospect, relatively minor. It was a time of great consternation and great controversy, and when asked for advice on what we should do, I suggested to the Secretary that ultimately these were decisions that he needed to make, and the two individuals involved had to make on their own.

Senator STAFFORD. Do you feel that the public schools are spending too much of their resources on the education of handicapped children? Do you feel the efforts to improve the education of handicapped children have detracted from the education of other children?

Mr. BAUER. I would not say that we are spending too much money on the handicapped. It has been, I think, a mutually agreeable goal of everyone concerned to try to bring that particular population group to give them full access and bring them up to the same academic performance of others who are not laboring under the same type of physical difficulties.

As far as whether the attention paid to the handicapped has caused problems with the rest of the students, I am sure that, in some cases, a handicapped student that has needed exceptional aid or help in the classroom that, no doubt, that has in some cases hurt the educational opportunities of other children in the class. That is the type of tradeoff, I think, however, that sometimes needs to be made when a society does as we have done, commit ourselves to the idea of equal access for the handicapped. And I think to the extent that happens, it has happened so much to make us lessen our commitment to the federally handicapped programs.

Senator STAFFORD. One final question, and I will be done.

Mr. Bauer, you have often mentioned the voucher plan as a way in which to produce a change in public schools.

Would you support an amendment to such a plan requiring private schools to serve handicapped children in the same way the public schools are required to do so today?

Mr. BAUER. Well, I see the voucher proposal as essentially aid to parents rather than aid to schools, so I would want to take a hard look at the question you pose.

I think, contrary to a lot of the public perceptions, there is a great deal of evidence to suggest that private schools, particularly Catholic schools, have done very well in serving handicapped students and, in fact, they compare favorably to their public school counterparts. I would not want to use the voucher proposal overall as a vehicle to put more regulations on either public or private schools so I am somewhat hesitant to agree with that kind of an amendment.

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I certainly understand the point that you are raising, that the schools should compete on an equal footing. And I think that is obviously an issue we should continue to look at.

Senator STAFFORD. Thank you. At this point the Chair, if there is no objection, would open the record for opening statements in the hope that if members have them they might be willing to put them in the record to follow those of the people who were here when we started.

Senator Dodd, you were the next person to get here.

Senator DODD. Thank you very much, Mr. Chairman. I would rather, if I could—I do not have an opening statement to make. I would just welcome Mr. Bauer here before the committee and congratulate him on his nomination, and if I may just ask a question or two.

Senator STAFFORD. What we would do is see if any others have opening statements that they wish to put in the record, and then we will start with you, Senator Dodd.

Senator DODD. The only difficulty I have, Mr. Chairman, I arrived in the middle of a markup at the Foreign Relations Committee.

Senator GRASSLEY. I would insert mine and submit questions in writing.

I would ask unanimous consent to put my statement in the record and ask to put two questions in writing to Mr. Bauer.

Senator STAFFORD. Without objection, that will be done.

Senator KERRY. Mr. Chairman, I share with Mr. Dodd a markup situation, and I have an item on the floor in 10 minutes. I would also like to ask unanimous consent to have my opening statement made part of the record and to submit questions in writing, if I may.

Senator STAFFORD. Without objection, that will be done.

Senator KERRY. Thank you very much, Mr. Chairman.

Senator STAFFORD. We have a vote in 10 minutes, so, Senator Dodd, you might save half of the remaining time for the vote.

Mr. BAUER. Mr. Chairman, they can both ask all of their questions and I can give you the answers later. [Laughter.]

Senator DODD. Give us the answers without the questions. I presume that is what we will get, anyway. [Laughter.]

Senator DODD. You may have already answered the question about the Department of Education. If I missed that, there has been a lot of talk and study of reorganization, and so forth.

Mr. BAUER. Yes.

Senator DODD. What are your views on that?

Mr. BAUER. The question was mentioned, and I will briefly summarize. As a conservative, I originally opposed the creation of the Department. I would have that reaction about the creation of a new bureaucracy. The President has indicated that he cannot find a way to get the Congress to agree with him to change its status, it being with us as far as I can see for the foreseeable future, I believe my responsibility as Under Secretary is to make sure it works in a responsive way and delivers services to our children in an equal manner.

Senator DODD. The Children's Defense Fund yesterday released its study on black and white children, and it indicated some pretty

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startling statistics. I do not know if you have had a chance to review those. Have you?

Mr. BAUER. I just briefly looked at the news reports this morning, Senator.

Senator DODD. Do you take any opinion about the data——

Mr. BAUER. I would not want to give a blanket endorsement of all the data. Certainly, if there are any differences on specific data, I think the differences would be relatively minor. It is no secret, I believe, that low income and minority children are laboring under many different disadvantages, the results of a variety of things, including a lot of social forces that all of us are concerned about.

Senator DODD [continuing]. Let me ask you this one question. The President has proposed in his tax bill to change the deduction to a credit for child care provisions. Obviously, with the itemization, and so forth, of deductions, that would generally accrue to the more affluent. It is quite true that a lot of children are growing up in single parent families. How do you feel about that? Were you asked to provide any input at all? Was the Department of Education?

Mr. BAUER. This is a Treasury proposal, and it was put together by Treasury working closely with the White House. At a variety of Cabinet meetings I believe the Secretary has had a chance to have some input, but essentially it is a Treasury proposal. I think on the issue that you are raising, that many of those poor families will end up not paying any income taxes at all because of the exemptions that are in there, and I believe overall this will be a proposal——

Senator DODD. The lower middle income family will pay taxes.

Mr. BAUER [continuing]. The lower income family will pay taxes. I think in some cases they will be on that particular part of the tax plan, but they will be worse off than they would be if that had been a credit.

Senator DODD. Mr. Chairman, thank you for the time. I will submit the remaining questions I have.

Mr. BAUER. I am sorry we did not have more time.

Senator STAFFORD. Senator Hawkins.

Senator HAWKINS. Yes.

Mr. Bauer, the Heritage Foundation's mandate for leadership II provides a clear outline for the structure for the Department of Education. This outline describes the Department as a "three-room schoolhouse." One room is described as a checkwriting machine with a teller's window. From this room Federal funds would be disbursed to States and localities, universities and colleges. The second room would be a statistical bureau. The third room would be the site of a "bully pulpit" from which Department leaders would assist in the improvement of America's schools and colleges.

Do you agree with this picture of some future Department of Education?

Mr. BAUER. Secretary Bennett was asked this question in his confirmation hearings, and was able to give a much more colorful answer than I would be able to. I think for an organization like the Heritage Foundation that is attempting to come up with a very short-handed way to describe their philosophy of the Department, that description was a very able way to do it. I think as far as

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those of us and the Department running it, that description of and by itself may cause some confusion and concern by various population groups served by the Department, so I would not want to hang my hat on the Heritage description. I think it is true to this extent, the Heritage description of our Department is true to this extent, that even though we have about an $18 billion budget, which is a substantial amount of money, the great overwhelming majority of it flows out of the building on the basis of formulas. It has very little discussion involved in it. In that regard the Department is somewhat like a checkwriting machine. I agree with them that we should use the Department to focus national attention. We should use it as a bully pulpit where possible. I would disagree, however, that in describing the Department that way, I would not want to send a message that those were the only areas that we cared about, and it seems to me that that leaves out issues like civil rights enforcement and other things where we have legal responsibilities that we have to fulfill.

Senator HAWKINS. What is your view as to the enforcement of civil rights in the Department?

Mr. BAUER. I think it has been good. When we came into office, there was an incredible backlog in civil rights actions at the Department of Education. That backlog has been worked down, and we have done that with, I think, a relatively good sized staff. We were able to keep the size of the staff under control while serving the needs of our population, and I feel good and positive about the performance of the Department in this regard.

Senator HAWKINS. The Department recently issued the regulations to implement the Hatch amendment. As you know, this amendment prohibits schools from conducting psychological testing or unprove teaching techniques on students without parental consent.

Some view this amendment and the regulations as a last-ditch effort to restore parental control to the schools. The other side of this issue is taken by the elected school boards. In my State of Florida there is still opposition from the school boards to these regulations. What is your view of this provision?

Mr. BAUER. Well, Senator Hawkins, I think it is terribly important for the future of education that parents feel they have some ability to control or have input into the educational process that their children go through. I believe that that was Senator Hatch's intention when the amendment that bears his name was a law, to give those parents a sense of entitlement. I think that the regulations we publish make a good-faith effort to do that. At the same time, the philosophy of this administration is such that we are not going to try to run 16,000 school districts out of Washington, DC, and I think the spirit we will bring to the enforcement of the Hatch Act amendment is that the spirit that those concerned with the amendment will see that we are not going to be using a second-hand, second-guessing every local decision that is made in regard to curriculum. It would not be consistent with our philosophy to do so.

Senator HAWKINS. As the chief administrative officer of the Department—that is, as the man in charge of the day-to-day administration of the Department—you must have developed some views on the bureaucracy. I think we all agree that better management

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of the Federal Government is a goal. In the area of Government procurement, do you agree that we should seek the most cost effective and efficient means of delivering Government services?

Mr. BAUER. Yes, I do, Senator

Senator HAWKINS. Do you believe that we should be getting the most service for the least amount of the taxpayers' money?

Mr. BAUER. Yes, I do.

Senator HAWKINS. Would you not agree that the competitive bidding process is the most effective way of ensuring a low-cost quality product for the taxpayers?

Mr. BAUER. There is no doubt about that.

My only additional comment would be to refer to the fact that there are some other social goals that have been raised by previous administrations, and this one about the need to get Government business to minority firms, and as a result of that goal, we have sometimes opted for what we call 8-A awards to minority firms. Sometimes that particular social goal conflicts with the other general principles that you and I have just agreed upon. Hopefully it does not conflict very often but, no doubt, it sometimes does.

Senator HAWKINS. Would you agree that your first responsibility as a member of the administration is to uphold the law?

Mr. BAUER. Absolutely.

Senator HAWKINS. In line with your statements in regard to local control of education, would you agree that the timely dissemination of information is a cost-effective method for improving programs at the local level?

Mr. BAUER. Yes, Senator Hawkins.

Senator HAWKINS. Would you agree that making information available to States and localities about the results of educational research and then allowing them to choose their own course of action is a proper function of the Department?

Mr. BAUER. Yes.

Senator HAWKINS. Thank you.

Senator STAFFORD. Thank you, Senator Hawkins.

And now the Chair is going to reserve the right for all members of the committee who have not been able to be here to submit questions in writing if they wish to you, Mr. Bauer, and the more rapidly you respond, the more quickly the committee will be able to act.

[Information supplied follows:]

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION

June 12, 1985

The Honorable Orrin G. Hatch
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are my responses to questions for the hearing record of June 4 on my nomination to be the Under Secretary for the Department of Education.

These answers respond to questions from Senators Stafford, Kennedy, Metzenbaum and Wallop. I have sent my response to each individual Senator and have also sent an entire set to Senator Kennedy.

Thank you for the time and effort that you and your staff have given me.

Sincerely

Gary L. Bauer
Deputy Under Secretary for
Planning, Budget and Evaluation

Enclosures

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION

July 3, 1985

The Honorable Spark M. Matsunaga
United States Senate
Washington, D.C. 20510

Dear Senator Matsunaga:

This is in response to your letter of July 1, 1985, in which you requested further clarification of my answer for the hearing record about the Department's decision not to award a contract for a national Asian Bilingual Education Multifunctional Service Center.

Enclosed are my answers to the four specific questions outlined in your letter and my answer regarding the Department's rationale behind the cancellation of RFP 85-001. I am sending copies of your letter and my response to Chairman Hatch and Senator Kennedy.

In addition, I want to make clear that I share your concerns about making sure the needs of the Asian community are addressed by the 16 Multifunctional Centers. I have asked the Director of Bilingual Education and Minority Languages Affairs to meet with Asian leaders in California and New York in the fall. We will give you a complete report on those meetings.

If you have any further questions or need any additional clarification before the Labor and Human Resources Committee considers my nomination next Wednesday, please let me know.

Sincerely,

Gary L. Bauer

Gary L. Bauer
Deputy Under Secretary for
Planning, Budget and Evaluation

Enclosures

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

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Question: What is the total number of Asian LEP students by ethnic group and their geographic distribution?

Answer: While the Department does not currently have data on the total number of Asian LEP students by ethnic group and their geographical distribution, we expect to be able to provide such estimates within the next year pursuant to a joint project which we have with the Bureau of the Census. Based on data currently available from the 1980 Census, however, we can provide some relevant information. In April 1980 there were 177,639 persons in the U.S., age 5-17, who reported speaking a Chinese or Philippine language at home. Of these children, 44 percent were in California and 17 percent were in New York.

Question: How many Asian LEP students are currently receiving services under the BEMSCs?

Answer: While multifunctional centers may provide training and technical assistance to any local school serving LEP children, the primary consumers of these services are project staff of school districts receiving Part A grants. There were 26,621 Asian language students served by these local projects in 1982, the last year for which we have data.

Question: How many Asian staff per BEMSC, and in which BEMSC have they been employed to provide direct technical assistance to Local Education Agencies (LEAs) or to Basic Bilingual Education Programs for Asians?

Answer: The Department requires multifunctional centers to serve all Title VII bilingual projects in their geographic area regardless of language of the children served in the project. While it may frequently be appropriate to have these services provided by a person from the same ethnic group as the children in the local project, this is not always necessary. The activities of these centers typically focus on the provision of training and technical assistance to local project staff in such areas as: classroom techniques, project management, project evaluation, and capacity building activities. The Department does not collect data on the hiring practices of the multifunctional centers by ethnic group and consequently cannot provide the data you request.

Question: How can Asians be ensured assistance in meeting their bilingual education needs when the New York BEMSC has a contract which excludes services to Asian LEP students and therefore employs no regular Asian staff?

Answer: We have reviewed the contract for the New York multifunctional center and have found no provision which prohibits or limits services to projects serving Asian students.

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Question: How can Asians be ensured assistance in meeting their bilingual education needs when the National Hispanic BEMSC employs no full-time Asian staff to provide services in the San Francisco/Oakland area, which is over 20 percent Asian?

Answer: While the Department does not collect data on the hiring practices of the multifunctional centers by ethnic group, the OBEMLA project officer for the San Francisco center has provided some relevant information. This multifunctional center typically hires all part-time staff and few if any of the project staff are full-time employees. At least one employee of the center is of Asian background and devotes 80 percent of work time to the project. Once again it should be pointed out that the services of these centers typically are training and technical assistance to local project staff in such areas as classroom techniques, project management, project evaluation and capacity building activities. Consequently most centers hire staff on the basis of their relevant academic and work experience in these areas rather than their ethnicity.

Question: I would also like to know the rationale behind the cancellation of RFP 85-001 in May of 1985, seven months after P.L. 98-511 was enacted into law, if the Department judged the national center approach to be inconsistent with the new law. I have been informed during this seven month period the applicants responding to RFP 85-001 were notified that all four proposals were in the "competitive range" and that the Department made several requests for additional information.

Answer: As you know the procurement process requires many months to complete and activities relating to preparing for this contract began well before the signing of P.L. 98-511. The competition was formally announced in the Commerce Business Daily on September 10, 1984, more than a month before the new law was signed.

Because of technical problems in evaluating the proposals submitted in response to this RFP, the selection process was delayed far longer than is normally the case. The requests for additional information from the potential contractors, which you mentioned, is a normal part of the procurement process. As a standard practice, the Department also audits potential contractors for any procurement which exceeds $500,000.

When the new director of the Office of Bilingual Education and Minority Languages Affairs reviewed all relevant information, including the statement of work in the RFP, the concerns of the selection panel, the answers to the subsequent technical questions, the findings of the pre-award audits and the language in the new statute, she concluded that this procurement was not in the best interest of the government and an award should not be made.

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[redacted]

United States Senate

COMMITTEE ON LABOR AND
HUMAN RESOURCES

WASHINGTON, D.C. 20510

July 1, 1985

VIA RIDER PAGE

Mr. Gary L. Bauer
Deputy Under Secretary for Planning,
Budget and Evaluation
Department of Education
400 Maryland Avenue, S.W., Room 4079 FOB6
Washington, D. C. 20202

Dear Mr. Bauer:

Thank you for your response to my questions submitted for the hearing record on your nomination to be Under Secretary in the Department of Education. I am writing to request a further clarification of your answer regarding the decision of the Department not to award a contract for a national Asian Bilingual Education Multifunctional Service Center (BEMSC).

Based on discussions with the office of Representative Dale Kildee, (Representative Kildee being the sponsor of legislation which amended the Bilingual Education Act, P.L. 98-511), it is my understanding that the intent of the legislation was not to totally negate the national center approach. Indeed, a national center is being funded for Native American language groups, and the fact that the request for proposal for an Asian BEMSC was issued on August 31, 1984, indicates that the Department of Education did find merit in the national center approach for Asian language groups. Furthermore, the language of Section 742(a) of P.L. 98-511 states, "Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children with limited English proficiency." I do not believe that the awarding of an Asian BEMSC contract in the Los Angeles/Long Beach, San Francisco/Oakland, or New York City metropolitan areas would be in conflict with the intent of the legislation as all of these areas have high concentrations of Asian limited English proficient students (LEP).

As I mentioned in my earlier questions, Asians are a very heterogeneous language and cultural group. Asians consist of at least 19 separate cultural groups and Asian LEP students use at least 36 different languages. While Asians

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are concentrated in several major metropolitan areas, they are also geographically distributed throughout the United States. The geographic and linguistic characteristics of the Asians are analagous to those of Native Americans, who are the focus of a national BEMSC. You stated in your response that "Asian students are being served by the existing centers, and the Department intends to ensure that they and all other eligible students receive the assistance they need to enter the educational mainstream." I would greatly appreciate your providing me with answers to the following questions in light of your statement:

1. What is the total number of Asian LEP students by ethnic group and their geographical distribution?

2. How many Asian LEP students are currently receiving services under the BEMSCs?

3. How many Asian staff per BEMSC, and in which BEMSC have they been employed to provide direct technical assistance to Local Education Agencies (LEAs) or to Basic Bilingual Education Programs for Asians?

4. How can Asians be ensured assistance in meeting their bilingual education needs when:

   a) The New York BEMSC has a contract which excludes services to Asian LEP students and therefore employs no regular Asian staff, and

   b) The National Hispanic BEMSC employs no full-time Asian staff to provide services in the San Francisco/Oakland area, which is over 20% Asian.

I would also like to know the rationale behind the cancellation of RFP 85-001 in May of 1985, seven months after P.L. 98-511 was enacted into law, if the Department judged the national center approach to be inconsistent with the new law. I have been informed during this seven month period the applicants responding to RFP 85-001 were notified that all four proposals were in the "competitive range" and that the Department made several requests for additional information.

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Mr. Gary L. Bauer
July 1, 1985
Page Three

As I am most concerned that the unmet need for services to Asian LEP students remains a critical problem, particularly after the cancellation of RFP 85-001, I would greatly appreciate hearing from you about how these needs will be met by the Department.

Aloha and best wishes.

Sincerely,

Spark Matsunaga
U. S. Senator

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QUESTIONS FROM SENATOR STAFFORD FOR GARY BAUER'S CONFIRMATION HEARING

General

1. Please summarize what you see as educational priorities for the federal government.

2. One of the questions that the Department of Education has recently raised is whether educating all people is cost-effective. Do you believe this is a proper measurement of the value of education and how does one measure value of education?

3. What is the office of Education Philosophy?

4. As a follow up to a question I asked yesterday, to what extent were you involved in the hiring of Eileen Gardner and Lawrence Uzell. Did you concur with the Secretary's decision to hire both of these individuals? Did you interview them at any point during the process? How familiar were you with with Ms. Gardner's writings? What advice did you give the Secretary when he asked for their resignation? Would you have asked them to resign based on their published writings?

5. Do you feel Department of Education officials should be espousing their own personal religious views at taxpayer expense? How would you rule if asked about a Department of Education mailing which stated that the American schools needed to become more Buddhist if they are to improve? Why did you approve the mailing made by Mr. Tancredo, the region VII represenative in Denver which stated that American schools needed to become more Christian?

6. How do you reconcile the Administration's proposals for higher education which would, no doubt, shift students from private institutions to public institutions, with their proposals for a voucher program which would cause the opposite shift.

7. How do you view direct federal intervention in the operation of local school districts? How do your regulations and enforcement of the Hatch Amendment regulations relate with this?

Higher Education

8. What do you think would be more valuable for your children, $50,000 to start a little business or a college education?

9. As we head into the Higher Education Reauthorization, we hear numerous reports on the number of cheaters in the various financial aid programs. Do you believe that there is a great deal of fraud in these programs and if so, please describe the Department's efforts to eliminate cheaters in the programs. Please give us specific examples.

10. In hearings before the House Committee on Education and Labor this spring you were quoted as saying, "Twenty-five percent of all Pell Grants (to disadvantaged students) are misawards,". Where did you come up with that figure and will you provide the Committee with evidence?

11. It is my understanding that the Department has made its final decision on applications for funding under the TRIO program. It has also been brought to my attention that 18 institutions that have applied have grants which expired on May 31st. Could you provide the Subcommittee with a list of those funded programs and when do you plan on notifying the grantees?

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Elementary and Secondary

12. What do you think of the Chapter 1 program and do you consider it to be an appropriate federal response to an education problem?

13. It has been suggested that any voucher proposal which includes participation of private schools could result in the development of fly-by-night private schools. Just how would you propose monitering the educational development children receive under such a voucher program?

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Senator Stafford:

Q: Please summarize what you see as educational priorities for the Federal Government.

A: Any list of Federal priorities could certainly be endless, given the large number of crucial problems and questions in American education as it attempts to prepare our citizens for a society which is more complex than ever before.

However, I would begin by stating three overall roles in education for the Federal Government: First, to ensure access to a quality education for the disadvantaged, the handicapped, needy college students, and others in similar situations; secondly, to support educational research and statistical activities; and third, to play a leadership role in helping States and localities address critical education problems.

In order to achieve these broadly stated goals, I can see several specific priorities for the Federal Government. We must promote excellence by speaking out, as appropriate, in such areas as curriculum content, standards and expectations, time devoted to learning, improving the teaching profession, and the leadership and fiscal responsibilities of elected officials and educators. We must expand State and local control of education by increasing the discretion of State and local officials through such programs as the Chapter 2 Block Grant and through such efforts as eliminating intrusive Federal requirements in regulations. We must increase parental choice and encourage parental responsibility by emphasizing the critical partnership role parents play in our education endeavor. And we must improve Federal stewardship by making the Department of Education as efficient and accountable as possible through the continuation of such management initiatives as reducing unnecessary regulatory burden and paperwork and increasing collections of loans, while at the same time not jeopardizing our responsiveness to our clientele--States, localities, postsecondary education institutions, teachers and administrators, parents, students, and other citizens.

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Senator Stafford:

Q: One of the questions that the Department of Education has recently raised is whether educating all people is cost-effective. Do you believe this is a proper measurement of the value of education and how does one measure value of education?

A: I do not recall in what context we raised the question of educating all people as a matter of cost-effectiveness, but I know both the Secretary and I believe strongly in a quality education for everyone.

I'm sure there are some difficult decisions in unusual circumstances, such as we have in health care, where the costs are high and the benefits seem marginal.

Cost-effectiveness, however, would seem to me to be only one measure of the value of an education--to the extent that you can measure it at all. Certainly economists have tried to evaluate education in monetary terms, but it is even more important to human development and to the preservation of our way of life. The value of education should also be measured in terms of the extent to which it allows people to develop their potential, to assume responsibility, to be courageous, to become good citizens, etc.

Senator Stafford:

Q: What is the Office of Education Philosophy?

A: Secretary Bennett originally planned to set up an Office of Educational Philosophy and Practice but since has decided it would be ill advised to do so. The establishment of such an office is not anticipated.

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Senator Stafford.

Q: As a follow up to a question I asked yesterday, to what extent were you involved in the hiring of Eileen Gardner and Lawrence Uzzell. Did you concur with the Secretary's decision to hire both of these individuals? Did you interview them at any point during the process? How familiar were you with Ms. Gardner's writings? What advice did you give the Secretary when he asked for their resignation? Would you have asked them to resign based on their published writings?

A: Although I did interview Larry Uzzell briefly before he was hired, the decision to hire both Ms. Gardner and him was the Secretary's. I had read Ms. Gardner's chapter on education published in the Heritage Foundation's Mandate for Leadership and the regularly published Education Update, also published by Heritage. I did not, however, interview her nor did I explore her background or unpublished writings. As I stated at my confirmation hearing, the Secretary "took day-to-day control of that situation because it was so highly visible and made his own decisions about which way to go. My own role was, I think, in retrospect, relatively minor." It is difficult to say what I would have done had the decision been mine to make. When an appointee's effectiveness is severely compromised by controversy -- justified or not -- he becomes a liability to an Administration and to the furtherance of its policies. The individual then becomes the issue and diverts attention from the substantive issues which need to be discussed.

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Senator Stafford

Q: Do you feel Department of Education officials should be espousing their own personal religious views at taxpayer expense? How would you rule if asked about a Department of Education mailing which stated that American schools needed to become more Buddhist if they are to improve? Why did you approve the mailing made by Mr. Tancredo, the Region VII representative in Denver which stated that American schools needed to become more Christian?

A: My present responsibilities as Deputy Under Secretary for Planning, Budget and Evaluation do not include the administration of the Regional Offices, and consequently, afforded me no opportunity to clear or review the mailing by Mr. Tancredo.

Since religion and schools have historically been interrelated in our country, I would find it extremely difficult to make a priori decisions on the propriety or impropriety of certain hypothetical cases. However, I would not want to pursue policies which have the effect of promoting any particular religion over another. Reasonable people will understandably agree or disagree on matters with religious or moral undertones, and I believe these are best resolved on their merits on a case-by-case basis. In Mr. Tancredo's case, I believe his actions, although well-intentioned, were in no way representative of the policies of the Department, and should not have been undertaken.

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Senator Stafford

Q: How do you reconcile the Administration's proposals for higher education which would, no doubt, shift students from private institutions to public institutions, with their proposals for a voucher program which would cause the opposite shift?

A: One of the Administration's original proposals for postsecondary education was to cap total subsidized and non-subsidized aid at $8,000 per student. This was modified under the Administration/Senate Republican leadership compromise to an overall cost cap of $8,000 for subsidized aid. Total aid available with the cost cap in combination with a $4,000 PLUS loan would be $12,000. Under either of these proposals students would be able to receive enough aid to attend almost any public institution and the majority of private institutions in the United States. While either of these proposals limits choice of institution to some degree over the currently funded programs, neither proposal totally eliminates choice, or even constrains choice sufficiently to be considered in contradiction to our elementary/secondary policies. These proposals are seeking merely to limit the Federal Government's role in subsidizing this choice.

The Administration has made several proposals permitting an expanded parental choice of institution at the elementary/secondary level. One of these proposals was for a voucher transportable to any institution. Another was for a tuition tax credit limited to $100 per child per year in the first year of the program up to a maximum limit of $300 per child per year in the third year and after. These proposals would provide a degree of parental choice in the schools their children attend, but would not provide unlimited choice.

Current policies in these areas are at opposite ends of a continuum of choice. The Administration's proposals would create a more common degree of choice at these different education levels.

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Senator Stafford:

Q: How do you view direct federal intervention in the operation of local school districts? How do your regulations and enforcement of the Hatch Amendment regulations relate with this?

A: The Department of Education is prohibited from exercising direct control over the operation of local school districts by section 432 of the General Education Provisions Act. I agree with the prohibition and consider direct Federal intervention in school district operations unwise for several reasons:

- The very fact that we have approximately 15,800 school districts each reflecting community values, curriculum preferences, and local leadership, makes it impossible for the Department to be familiar with and helpful to that many school districts on a day-to-day basis.
- The history of local control in our Nation's schools has shown that schools work best when the community supports their goals and achievements. Federal involvement cannot improve upon these successes.
- Local communities are best able to set the goals for their schools; these goals may vary from one district to another and are not assisted by a single Federal approach to meeting those goals.

My support for local control of schools is not inconsistent with the regulations and enforcement of the Hatch Amendment. The regulations require parents having a concern about activities covered by the law to file their complaint first at the local level and, if a State procedure exists, also at the State level prior to filing a complaint with the Department of Education. Most importantly, even if the Department accepts a complaint for review, that review focuses only on whether the parent was (1) given advance notice of the child's scheduled participation in activities covered by the law; and (2) given the opportunity to grant or withhold consent for participation in such activities. The Department will neither judge the activities, nor will we ask that any curricula be created, modified or deleted to comply with the law. Compliance with the law will require that local school districts establish procedures for affording parents their statutory right; the Department's sole regulatory interest will be to ensure that parents are given the opportunity to give or withhold prior written consent for their children's participation in activities falling into the categories listed in the law.

Q: What do you think would be more valuable for your children, $50,000 to start a little business or a college education?

A: It would depend on the child. If a child had a special entrepreneurial aptitude, money to start a business might be the right decision for that child. On the other hand, if the child wanted to be a doctor or a lawyer, a college education would clearly be more valuable.

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Senator Stafford:

Q: As we head into the Higher Education Reauthorization, we hear numerous reports on the number of cheaters in the various financial aid programs. Do you believe that there is a great deal of fraud in these programs and if so, please describe the Department's efforts to eliminate cheaters in the programs. Please give us specific examples.

A: I do not believe there is a "great deal of fraud" in these programs, but there is clearly more program abuse and error than I'm sure the American taxpayers want to see. The problems run the whole continuum between fraud and error. We are trying to deal with each type in an appropriate manner.

I am enclosing for the record a list of some of the student fraud cases as reported to the Congress in the Inspector General's Semi-Annual Report for several recent years.

In addition, we just settled a complex student aid abuse case involving Lafayette Academy Inc., a now-defunct Providence, Rhode Island proprietary school, that will return approximately $18 million to the Federal Government.

In the area of Pell Grants, we have taken action to reduce the errors uncovered by three quality control surveys since 1979. We are now requiring that 50 percent of all applications for the 1985-86 school year (up from 30 percent last year) have key data elements verified before an award is made. More extensive quality control procedures for the Pell Grant program as well as the other student aid programs will be developed in time for the 1986-87 academic year.

In the area of student loans, the Department is continuing its agressive efforts to reduce the incidence of default and to collect on defaulted loans. Collections in FY 1985 are expected to total $212 million, a $52 million increase over FY 1984 or an increase of 33 percent.

The Department will continue to refer defaulted accounts to private collection agencies. Referral of accounts to the Department of Justice for litigation is also increasing. In fact, the Education Department is now the largest civil case client of the Justice Department, with 15,000 cases pending. The Department's final regulations on off-setting the salary of Federal employees in default on student loans became effective on March 28, 1984. Referral of account information on defaulted loans to national consumer credit bureaus began last spring. This serves both as a disincentive to default and as an incentive to repay loans already in default. The Department's Financial Recovery Management System, which increases productivity through automation, became fully operational in June 1984. Also, the Department will shortly begin to implement the new statutory authority for off-setting student loan debts against Federal income tax refunds. This is expected to be a powerful tool in increasing student loan default collections.

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In addition to these and other "operational" measures to reduce defaults and improve collections, the Department has resubmited to the Congress this year an updated version of the "Student Loan Collection Improvement Amendments of 1983", as part of its FY 1986 legislative proposals. The proposed amendments would: require loan checks, payable to the student and institution as copayees, to be sent to the student's institution; tighten institutional and guarantee agency audit requirements; provide that the six-year Federal statute of limitations for filing suit for collection of a loan would apply to guarantee agencies if the period under State law is less than six years; and expand credit bureau reporting requirements.

Finally, the Department anticipates publishing revised GSL program regulations in the near future. These revised regulations will strengthen lender and guarantee agency due diligence requirements in making, servicing and collecting loans, and will establish criteria for the assignment of guarantee agency defaulted accounts to the Department.

In summary, the Department is undertaking numerous actions to deal with the full range of fraud, abuse, and error in our financial aid programs.

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STUDENT FRAUD CASES
AS REPORTED TO CONGRESS IN
THE IG SEMI-ANNUAL REPORT
TO CONGRESS, REPORT NO's 4,5,6,7,8,9

1. Alien Project

Since 1981 we have worked closely with the Criminal Division of the U.S. Department of Justice, the Immigration and Naturalization Service, and local law enforcement agencies in identifying, investigating, and prosecuting aliens who have illegally received student financial assistance by falsely claiming U.S. citizenship or an eligible alien status. Our efforts continued during this period and resulted in several significant accomplishments:

- A Federal grand jury indicted 49 individuals in May 1984 on various counts of (1) false statements to obtain student aid, (2) mail fraud, and (3) false claims to United States citizenship. These indictments were the culmination of a two-year joint investigation by the OIG and the Immigration and Naturalization Service. Those indicted were charged with illegally receiving varying amounts of Pell Grant, Supplemental Educational Opportunity Grant, College Work-Study, National Direct Student Loan, and Guaranteed Student Loan monies. Thus far, 21 of those indicted have pled guilty and been sentenced.

- In June 1984, a Federal grand jury returned a group of indictments charging 24 ineligible aliens with various counts of fraud and false statements on applications for Federal student financial assistance. The indictments alleged that the aliens had falsely claimed either U.S. citizenship or an eligible alien status on applications for Pell Grants and Guaranteed Student Loans, netting them about $130,000 in Federal aid to which they were not entitled. Thus far 17 have entered guilty pleas to the charges.

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A summary of the results of the project since its inception, is presented in the following table:

Indictments/Informations

This period	97
Project total	333

Convictions

This period	52
Project total	201

Total Aid Received by Indicted Aliens	$1,405,079
Average Aid per Subject	$4,219

(IG Semi-Annual Report, No. 9 - April 1, 1984 - September 30, 1984)

2. Extended Family Fraud Ring

In September 1984, 21 members of an extended family were indicted by a Federal grand jury which charged the family members with multiple counts of conspiracy, student financial assistance (SFA) fraud, mail fraud, and fraudulent use of Social Security numbers in connection with a scheme to obtain dozens of fraudulent Guaranteed Student Loans (GSL) and Pell Grants during the 1983 and 1984 academic years. A joint OIG/U.S. Postal Inspection Service investigation determined that 23 members of the extended family had conspired to apply for and receive varying amounts of Pell Grants and GSLs by creating multiple phony identities. The family would use the phony identities to gain admittance to a college, establish eligibility for Federal SFA, and then receive the loans and/or grants and use the money for non-educational expenses. The family was able to bilk the Federal government out of $44,231 using this scam. Due to the evidence uncovered by the investigation, an additional $42,000 in bogus GSLs and Pell Grants was stopped prior to disbursement.

(IG Semi-Annual Report, No. 9 - April 1, 1984 - September 30, 1984)

3. Guaranteed Student Loan Ring

An individual student beneficiary case was opened when an official of a community college notified us that it had received a loan application for $2,500 from a student using a false name and social security number. Subsequent investigation disclosed that a large, loosely knit gang had been systemically defrauding the Guaranteed Student Loan program.

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Their scheme involved the filing of false school admission and loan documents at four vicinity colleges. Some of the gang members, many of whom have prior criminal records for such crimes as drug dealing and possession, gambling, prostitution and, in one case, murder, used false identities and made multiple loan applications. The applicants usually received loans for $2,500 or more and never attended class. Components of the local police, State bureau of investigation and military police cooperated in the investigation.

Between June 30, 1983, and February 1984, 35 individuals were charged at either the Federal or State level (24 Federal, 11 State) for this scheme. Charges included conspiracy, aiding and abetting, making false statements and using false social security numbers.
(IG Semi-Annual Report No. 8)

4. Other Successfully Prosecuted Student Fraud Cases

- During December 1983, a student was placed on pre-trial diversion for a period of one year. The subject must repay $7,250 in fraudulently obtained student aid benefits during the one-year period or face criminal prosecution. The student enrolled in two schools at once and received full benefits from both.

- An individual, who was indicted during September 1983, pleaded guilty and is now awaiting sentencing for fraudulently receiving $5,000 in guaranteed student loans. The subject, a member of a family ring whose members were charged with similar crimes, was on parole for a similar offense when the present offense was committed.
(IG Semi-Annual Report No. 8)

- On September 9, 1983, an individual was sentenced to five years' probation, ordered to make restitution of $7,000, and perform 100 hours of community service, after pleading guilty to mail fraud and aiding and abetting. A joint OIG/FBI investigation disclosed that the subject and an accomplice were defrauding the Guaranteed Student Loan program by submitting false applications utilizing fictitious names.
(IG Semi-Annual Report No. 7 - 4/1/83-9/30/83)

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- In May 1983, a woman pleaded guilty to 14 counts of bank fraud. She used 14 fictitious identities in obtaining $17,000 in guaranteed student loans. She actually applied for $38,000 but action by the Office of Inspector General prevented the disbursement of $21,000. In June 1983, she was sentenced on 14 counts of bank fraud. She received a three year suspended sentence and three years' probation.
(IG Semi-Annual Report No. 7 - 4/1/83-9/30/83)

- During February 1983, a student pleaded guilty to charges of student financial aid fraud and making false statements. The student falsified guaranteed student loan applications by forging the school's certification on the loan applications. The student - who had received $15,000 in fraudulent loans - was sentenced to serve two years' probation and to repay the loans.
(IG Semi-Annual Report No. 6 - 10/1/82-3/31/83)

- An individual pleaded guilty during March 1983 to making false statements in connection with nearly $3,000 in fraudulent loans and grants. The individual was first indicted in May 1982, but failed to appear at a hearing. The subject was arrested in September, released on bail and once again failed to appear at a hearing. This lead to a subsequent conviction for bail jumping. In March 1983, the individual was sentenced to serve five years in prison for bail jumping and five years (suspended) for making false statements on student financial aid applications.
(Semi-Annual Report No. 6 - 10/1/82-3/31/83)

- In September, 1982, an individual was sentenced in U.S. District Court to one year's imprisonment (later suspended), two years' probation, and directed to make restitution of $4,600 in fraudulently obtained Guaranteed Student Loan (GSL) and College Work-Study (CWS) funds. The sentence came after a plea agreement in which the individual agreed to plead guilty to 19 counts of false statements in connection with a scheme to defraud the CWS program. Three counts of the indictment relating to misrepresentations on GSL applications were dismissed. This person obtained a loan for $2,500 to attend a cosmetology school while already enrolled as a full-time student at a university where she had received another $2,500 loan. In addition, the individual collected over $2,000 in CWS wages by presenting falsified weekly time cards to the university claiming wages for hours while actually in attendance at the cosmetology school.
(Semi-Annual Report No. 5 - 4/1/82-9/30/82)

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- In May 1982, a U.S. Attorney filed information charges against four men regarding a scheme to defraud the Pell Grant program. One of those charged was the ringleader in the scheme to prepare false applications for a fee on behalf of other students who would not be eligible to receive the grants were truthful information provided. The four have now pleaded guilty. The three assistants have been sentenced to suspended prison terms, long periods of probation and community service. The ringleader was sentenced to two years' imprisonment. (Semi-Annual Report No. 5 - 4/1/82-9/30/82)

- In July 1982, an individual was sentenced to five years' imprisonment after pleading guilty to charges of mail fraud and making false statements. This person operated a student counseling service which, for a fee of $30 per student, coached and assisted the students in preparing fraudulent Pell grant applications. The investigation established that this person assisted in the preparation and submission of over $30,000 in fraudulent applications.
(Semi-Annual Report No. 5 - 4/1/82-9/30/82)

- In July 1982, a husband and wife were indicted by a Federal grand jury for submitting falsified applications and documents for student financial assistance. The single indictment charged the husband with ten counts of false statements and his wife with eight counts. The husband used two social security numbers to obtain concurrently two Pell grants for the maximum allowable amount from two colleges. In all, the couple received over $7,000 in financial aid by falsifying data concerning financial assets, marital and academic status. The couple remain in a fugitive status.
(Semi-Annual Report No. 5 - 4/1/82 - 9/30/82)

- A Federal grand jury in New York returned a four-count indictment charging an individual with bank fraud pertaining to the Guaranteed Student Loan program. That indictment led to the first of many convictions flowing from a Guaranteed Student Loan fraud scheme perpetrated by at least fifteen members of one family. Their criminal activity has thus far been traced to three States and dates back to 1975.

  Nine persons have been charged with false statements, bank fraud and/or mail fraud and one defendant has entered guilty pleas in two States. Several other persons have pleaded guilty in one State, and one additional family member has been indicted in two States.

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Senator Stafford

Q: In hearings before the House Committee on Education and Labor this spring you were quoted as saying, "Twenty-five percent of all Pell Grants (to disadvantaged students) are misawards,". Where did you come up with that figure and will you provide the Committee with evidence?

A: That figure was taken from the findings of the Pell Grant Quality Control Study of 1982-83, a project of Advanced Technology, Inc. of McLean and Reston, Virginia under contract with the Department of Education. The study was designed to identify program error, to measure the impact of increased validation activity, and to propose corrective actions that would alleviate the misallocation of program funds.

Findings from the study reported Pell Grant award error, as defined by the study, in two categories: student error - error attributable to discrepancies in application data submitted by students and/or their parent(s); and institutional error - error attributable to discrepancies in determining or calculating student eligibility, enrollment status and/or cost of attendance. Error was then displayed in dollar terms as overawards (amount awarded to students for which they were not eligible), underawards (amount students were eligible to receive but did not receive), absolute error (the total of overawards and underawards together) and net error (the difference between overawards and underawards).

The study estimated that in 1982-83 the absolute error was $605 million or 25 percent of the dollars awarded in the program in 1982-83.

This study is available upon request from the Department of Education.

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Senator Stafford

Q: It is my understanding that the Department has made its final decision on applications for funding under the TRIO program. It has also been brought to my attention that 18 institutions that have applied have grants which expired on May 31st. Could you provide the Subcommittee with a list of those funded programs and when do you plan on notifying the grantees?

A: I assume that you are interested in the new awards the Department is making under the Talent Search program for fiscal year 1985. Of the 19 institutions which had fiscal year 1984 grants that expired on May 31, 1985, only one institution--Laredo Junior College, Texas--did not rank above the cut-off score for fiscal year 1985 funding and therefore will not receive a grant award. The remaining 18 institutions successfully competed for and were awarded new grants on June 5, 1985. The Congress was notified of those grant awards on June 3, 1985. Those 18 institutions are listed below:

Tri-County Vocational Technical School (Oklahoma)
Southeastern Oklahoma State University (Oklahoma)
Jobs for Progress, Inc. (Texas)
New Orleans Educational Talent Search (Louisiana)
Eight Northern Indian Pueblos (New Mexico)
University of Maine at Orono (Maine)
Mary College (North Dakota)
Bee County College (Texas)
University of New Hampshire (New Hampshire)
Project Stay, Inc. (Texas)
Centro Emiliano Zapata de Aztlan (Colorado)
University of Wyoming (Wyoming)
Universty of Arkansas, Little Rock (Arkansas)
Vermont Student Assistance Corporation (Vermont)
Southern University A&M (Louisiana)
East Central Oklahoma State University (Oklahoma)
American Indian Leadership Council, Inc. (South Dakota)
LEARN, Inc. (Texas)

We expect to award the rest of the new fiscal year 1985 grants by the end of June, after Congressional notification.

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Senator Stafford

Q: What do you think of the Chapter 1 program and do you consider it to be an appropriate Federal response to an education problem?

A: Chapter 1 study data show that the program has had moderate success in improving the basic skills of participating students. According to the 1982 Sustaining Effects Study, Chapter 1 students gain more than similar students who do not receive Chapter 1 services, in both reading and mathematics. Over time, Chapter 1 has produced some sustained benefits for program participants, particularly in reading.

More recent State data, from the 1982-83 Chapter 1 Evaluation and Reporting System, indicate that modest gains are found in all grades for mathematics and in all grades except 11 and 12 for reading. I consider Chapter 1, a federally supported, supplementary educational program targeted on the most educationally and economically disadvantaged children, to be an appropriate response to an education problem.

Q: It has been suggested that any voucher proposal which includes participation of private schools could result in the development of fly-by-night private schools. Just how would you propose monitoring the educational development children receive under such a voucher program?

A: I disagree with your initial premise that introduction of a voucher system could result in the development of fly-by-night private schools. Many States and communities have requirements for the operation of private schools as well as teacher certification. These would be a more effective bar to proliferation of low quality schools than any federally imposed standard. This Administration would prefer to leave the selection of schools up to the parents of children attending those schools. The interest of parents in obtaining high quality education for their children serves as a means of ensuring academic competence in private and public schools. The Department of Education would not propose to set up any new monitoring system; we believe this is the proper role of parents and State and local governments.

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Senator Stafford:

Q: I am concerned about the staffing situation at the Fund for the Improvement of Postsecondary Education (FIPSE). Why has there been a decline in staffing levels over the past four years? The Congress rejected your budget request and covered this and other programs so as not to be eliminated. Are you trying to accomplish eliminating this office by short-staffing it so it will fail?

A: The staffing decline in FIPSE during the last four years has been similar to the overall decline in Departmental staff. Between fiscal year 1981 and today, the Department's staff has declined almost 30 percent (from 6,883 to 4,840 FTE). In the last four years, FIPSE staff has declined approximately 24 percent (from 25 to 19 FTE). All of the reduction was accomplished through attrition and has been possible because of increased productivity. I believe we are managing well with limited resources in all of our programs, including FIPSE. As long as Congress appropriates funds for FIPSE, we will administer the program as effectively and efficiently as possible. There is no intention to eliminate the office or unduly reduce the staff.

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Senator Weicker:

Q: You are quoted as saying you expect to have "a major role in the philosophical issues". What are these issues? How much time do you expect to spend on "philosophical issues"?

A: By "a major role in philosophical issues" I mean identifying the numerous problem areas in American education and carrying out an appropriate leadership role at the Federal level. Some of the issues with which we must deal include, for example, school dropouts; education for the gifted and talented; school discipline; early childhood education; literacy; effective elementary schools; the quality of postsecondary education; use of school volunteers; private sector participation in education; and the recruitment, training, and retention of quality teachers and principals. While the primary responsibility for education resides with States and local communities, I believe the Department of Education should speak out on these problems and priorities in order to stimulate a national debate and State and local initiatives. Moreover, we need to support national education research, and dissemination of its results, since it would not be cost-effective for all our 16,000 school districts to seek solutions to problems common to each of them. The collection and analysis of national statistics in education is another obvious Federal role. And, with just a small amount of discretionary funds at our disposal for demonstrations and related activities of national significance, we can provide an impressive amount of leverage in encouraging necessary action at the grassroots level.

In addition to this "policy", or "philosophical" role, I would plan to spend time on our commitment to continuing Federal budgetary assistance for our disadvantaged and handicapped children, financially needy college students, and others with special problems or obstacles to a quality education. I also feel it is imperative to assure that such Federal assistance is administered as effectively and efficiently as possible, with the dual objectives of being as responsive and helpful as possible to our clientele, and providing accountability to the American taxpayer for the expenditure of our $18 billion annual budget.

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Senator Weicker:

Q: In performing both its oversight, legislative and appropriation roles, Congress must have access to Department officials and information.

- o Have you or will you establish procedures which limit Department officials from speaking with and supplying information to Members of Congress and/or their staffs?

A: Neither the Secretary nor I have established any procedures in the Department to limit its officials from supplying information to Members of Congress or their staffs. To the contrary, we have consistently placed a top priority on keeping Congress informed in an accurate and timely manner.

For instance, one of my duties has been to direct the formulation and presentation of the Department's budget and legislative proposals. In connection with this, I have assured that the Budget Service of the Department has the necessary resources and authority to cooperate with the Congressional Appropriations and Budget Committees in supplying them information, in providing technical assistance, and in being as responsive to them as possible. In the same vein, we have maintained a close working relationship with the Authorizing Committees.

Over the past four years, I have also participated with the Secretary in a major effort to improve the Department's system for replying to Congressional correspondence. The results were impressive--for instance, a large backlog of Congressional mail was completely eliminated by our Executive Secretary's office.

In establishing any Departmental procedures, our intent has been--and will continue to be--to maintain an accurate, open, and timely responsiveness to Congress. In many cases, the transmittal of information through appropriate channels in the Department will avoid confusion and assure that Congressional Members, Committees, and staffs receive correct and consistent data on our programs and policies.

If there is ever even a <u>perception</u> of lack of communication in this respect, I would want to know about it so that I could take appropriate action immediately.

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Senator Weicker:

Q: Will you delete information on studies or education issues which do not support the Administration's views on such issues?

A: Absolutely not.

One of my top priorities is to assure that the Department's 128 programs are carried out in accordance with the law and Congressional intent, and that they do reach their intended audiences and purposes. One of the most important ways to guarantee this is by conducting objective studies and evaluations of the operations of these programs and the extent to which they are meeting their goals.

We publish and widely disseminate an annual report on evaluations of the Department's programs--not to mention the annual reports of many of the programs themselves. We also prepare a number of other reports on a variety of issues--for instance, in many cases those mandated by Congress in legislation or report language. We have made a concerted effort to assure that such reports are of a high quality in terms of content, and that they are submitted within established deadlines.

It is only through objective evaluations, studies and reports that we can determine what policy changes in education--if any--need to be made at the Federal level. And it is crucial that <u>all</u> reliable information collected and developed by the Department be disseminated as widely as possible to assist State and local decisionmakers in setting education policy.

Again, if there is ever a perception that information has been deleted to support political views, I would want to know about it in order to take immediate and appropriate action.

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Senator Weicker:

Q: Your various writings indicated you strongly support proposals for prayer in elementary and secondary schools.

What priority will you give this issue among those with which you must deal?

A: A constitutional amendment restoring the right of voluntary prayer in public schools has been, and remains, a high priority on President Reagan's education agenda. I have supported the President's proposal on this in the past, and will work with Secretary Bennett and others in the Department to ensure that priorities of the President in the field of education are adequately developed and presented to the Congress, members of the educational community, and the general public. As in the past, major responsibility for the President's school prayer amendment will rest with the Justice Department.

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Senator Weicker:

Q: Last December, the Secretary's Regional Representative in Denver used a Department mail list, postage and official stationery to send approximately 100 copies of his speech advocating the need for Christian schools and Christian textbooks. You indicated "... dismay that certain language was contained in the mailing, particularly the reference to a Christian nation". What steps have been taken to assure that no future such mailings will be made by officials of the U.S. Department of Education?

A: My present responsibilities as Deputy Under Secretary for Planning, Budget and Evaluation do not include the administration of the Regional Offices. However, as an advisor to the Secretary, I encouraged him to impose a clearance process on all political appointees requiring them to submit for approval, to the Assistant Secretary for Legislation and Public Affairs, any communications they wish to send outside the Department.

On February 7, 1985, Secretary Bennett sent a letter to all senior staff in the Department of Education which included a strong statement prohibiting all employees from engaging in any media appearances or giving any public speeches or statements without prior clearance from the Assistant Secretary for Legislation and Public Affairs.

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Senator Weicker:

Q: You yourself last year advocated restoring Bible reading to public schools. Is your proposal for the purpose of comparative literature studies or for promoting the Bible's religious tenets?

A: I do support President Reagan's constitutional amendment restoring the right of voluntary prayer in public schools.

On the other hand, the public schools must not, of course, promote any sectarian religion and, therefore, I certainly would never advocate the use of the Bible to teach religious tenets. Nor, however, should the schools be hostile to religious beliefs.

With regard to the use of the Bible in teaching comparative literature studies, it is indeed one of the great classical masterpieces, and can serve as an invaluable resource in both literature and history.

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Senator Weicker:

Q: The Department of Education's 1985 Annual Report on the Implementation of the Education of the Handicapped Act states:

> "Studies of the effectiveness of preschool education for the handicapped have demonstrated beyond doubt the economic and educational benefits of programs for young handicapped children. In addition, the studies have shown that the earlier intervention is started, the greater is the ultimate dollar savings and the higher is the rate of educational attainment by these handicapped children."

In the 1983 amendments to the act, I included language extending the special education range to birth for discretionary demonstration programs. If, as the report says, both educational achievement and dollar savings are achieved through early intervention, will the Department propose to lower the P.L. 94-142 age to birth for all disabled youngsters? When might Congress expect to have a proposal from the Department on this matter?

A: The Education of the Handicapped Amendments of 1983 extended the age range for services for State grants under the Preschool Incentive Grants program to birth through five years of age. It had previously covered ages three through five. This expansion did not include services under discretionary grant programs.

The Education of the Handicapped Act deals with children's ages in a variety of ways. In its broadest sense, the act is directed at all children regardless of age. In fact, funds available to the States under the Part B State Grant Program may be used to serve children regardless of their age. The act requires that all States provide services to children aged 5 through 17. Children aged 3 through 5 and 18 through 21 must also be served unless it is contrary to State law or practice, or the order of any court. Federal funds are distributed based on the number of children aged 3 through 21 served by the States.

We will be considering these and other factors in the process of preparing for the reauthorization of the Department's special education programs which expire at the end of fiscal year 1986.

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Senator Weicker:

Q: There has been substantial discussion in some quarters that the decline in SAT test scores over the past 20 years and the growth of federal education initiatives over the same period are somehow linked.

Do you share this view?

A: No, I do not--nor have I ever--suggested a direct correlation between the growth of Federal education programs and the decline in SAT scores over the past 20 years. On the other hand, I do think the data are discouraging for those who would simply advocate more Federal spending as the sole solution to improving the quality of education.

At the Federal level, I see a two-fold mission: First, to provide leadership that will inspire creative and positive action by our State and local elected officials, legislatures, schools boards, school administrators and faculty, students and parents, and other interested citizens; and secondly, to support aid in unique areas of responsibility--such as education for the disadvantaged and handicapped, student aid for truly needy students, and disseminating nationwide the results of effective practices and techniques which local practitioners may adopt to help them improve their own programs.

Some of education's needed reforms will require additional money--primarily, of course, from State and local resources which contribute more than 90 percent to American education. However, many reforms--such as developing higher expectations for academic performance and student conduct, and devoting more school time to learning the basics in a more effective use of the school day--can be implemented without more funds. We must be sure that we are making the most of our current resources at all levels --Federal, State, and local.

One final comment: There have been some recent reports of improvements in test scores, which is very heartening. I would attribute this both to Federal efforts by the Administration and Congress in raising the quality of education to a national issue, and to the overwhelming State and local response and positive actions by legislatures, school boards, teachers and education administrators, parents, students, and other citizens. I believe this form of leadership is too often overlooked in favor of simply spending more money on education.

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Senator Weicker:

Q: Can you tell us something about the Department's publications review panel know as PAVAC? What is its purpose? Didn't you used to chair it?

A: The Department of Education has been operating a Publication and Audiovisual Control System (PACS) since 1982 in response to a mandate contained in OMB Bulletin 81-16, Elimination of Wasteful Spending on Government Periodicals, Pamphlets and Audiovisual Products, which calls for the development of an approved system to eliminate unnecessary Federal spending for the development and printing of publications and audiovisual products.

As part of the PACS, the Publication and Audiovisual Advisory Council (PAVAC) is a committee of senior officials responsible for establishing Departmental policy of publications and audiovisual products and for making decisions on requests in accordance with the criteria established in response to Bulletin 81-16. The PAVAC's functions and standards have been established in Departmental Directive A:MIS:1-110, Publication and Audiovisual Control System (October, 1983).

I served as a PAVAC member from 1983 until March, 1985 but have never Chaired the PAVAC.

Q. Just recently, PAVAC disapproved some 98 publications that the National Institute of Education (NIE) had contracted with various educational institutions to produce. This disapproval came nearly 6 months after NIE signed the contracts to produce the work.

Who serves on PAVAC? How many of them are political appointees? What is their background in educational research that qualifies them to serve on PAVAC?

A. The PACS directive states that "PAVAC shall consist of not less than five policy-level officials in the Department. Selection is by invitation from the Chair upon consultation with the full Council."

Current members are:

- o Anne Graham, Assistant Secretary for Legislation and Public Affairs (Chair)
- o A. Wayne Roberts, Deputy Under Secretary for Intergovernmental and Interagency Affairs
- o Linda M. Combs, Deputy Under Secretary for Management
- o Maureen E. Corcoran, The General Counsel
- o Lawrence F. Davenport, Assistant Secretary for Elementary and Secondary Education
- o Joan Standlee, Deputy Assistant Secretary for Special Education and Rehabilitative Services.

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All of these are political appointees and will, except Ms. Standlee, were appointed by the President with the advice and consent of the Senate.

Although having an educational research background is not a prerequisite for serving on the PAVAC, the Council members represent a variety of backgrounds in all levels of education, law, government, business, and industry.

Q. For what reasons were these publications disapproved?

A. The reasons for initial disapproval of the publications included: not essential, not cost-effective, duplicative, not appropriate to achieve stated goal, and not timely. The decisions to disapprove the products are not final. NIE is in the process of preparing appeals for many of these documents. It is expected that disapprovals will be reversed on a number of these items when additional information is provided although, obviously, these reversals would be made on an item by item basis.

Although the NIE contracts were signed on December 1, 1984, the PAVAC did not receive the requests for review until February and March, 1985. From March until the May 9 meeting when the 98 publications were disapproved, there was a great deal of communication between the PAVAC and NIE to obtain additional information on particular products so that the PAVAC could make informed decisions. Four Department employees spent most of their working time in these two months reviewing these publications requests.

Q. How do you respond to the charges that PAVAC is acting as a sort of government censor?

A. The intention of the PAVAC is not to censor. We believe that our mandate is to assure the wisest expenditure of Federal funds. We are not prohibiting in any way the commercial or scholarly publication of the research under consideration. We also believe that insertion of the research into the ERIC system will reach the widest possible audience concerned with it.

We are also concerned with the prohibition contained in the Department of Education Organization Act that the Department not specifically endorse specified curricula.

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Senator Weicker:

Q: Your Department is conducting Conferences including one in Denver on March 30 of this year called "Parents as Partners", which the Colorado Board of Education says "... does little more than promote private education and educational vouchers to the detriment of public schools and public school teachers." One attendee characterized the Conference as "a heavy dose of Christianity, pure Reagan politics, ... another way to promote right wing ideology." The Colorado State Board adopted a Resolution urging you to cease using taxpayer monies for these purposes.

- How do you respond to criticism that the Conference was unbalanced, biased and inappropriate for the U.S. Department of Education?

A: As to the conference in Denver on March 30, 1985, its purpose was to encourage active parental involvement in both public and private schools. I believe this conference effectively achieved this objective. Since the substantial majority of America's children are educated in public schools, our Parents as Partners in Educational Excellence Conference quite properly dedicated the substantial majority of its agenda to topics which relate directly to public education. Ten of the fourteen conference presentations related directly to public education. Nine of the presenters and facilitators were current or former leaders in public institutions. One of the speakers was the Colorado Department of Education's "Teacher of the Year." Another was the National PTA "Outstanding Educator of the Year." Of the 900 people who attended the Conference, 250 completed evaluation questionnaires, which is a return rate of 27.8 percent. Of these, 87 percent expressed approval of the keynote address by Jack Klenk, Director, Planning and Evaluation Service, U.S. Department of Education; 85 percent were willing to recommend similar conferences to other parents and schools officials; 79 percent agreed that the conference better prepared them to exercise their parental rights; and 77 percent believed that they learned to be more effective in helping their children as a consequence of attending this conference.

In regard to the resolution passed by the Colorado Board of Education, not a single member of the Board attended the conference. At least two of the members whose signatures appear on the resolution were absent from the meeting at which the resolution was adopted and had no awareness of their signatures being falsely affixed. Attached is a copy of a letter from Calvin Frazier, State Commissioner of Education, apologizing for the resolution. (Attachment).

Q. What steps have you taken to cease such conferences?

A. No additional conferences are currently scheduled, but they may be resumed sometime in the future.

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Senator Weicker:

Q: Will you supply for the record of this hearing:

A) The costs of each of these conferences;

A: Indianapolis, IN.....$5,000
Portland, OR..... 4,400
Denver, CO..... 8,000
Baton Rouge, LA..... 5,000

Total.....$22,400

Q: B) Copies of all materials of the conferences which were paid for by the U.S. Government;

C) Transcripts, papers, speeches and other materials from the March 30 Denver Conference.

A: Attached

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cde Colorado Department of Education

First Western Plaza
303 West Colfax Avenue
Denver, CO 80204

Calvin M. Frasier
Commissioner of Education

May 31, 1985

Mr. Tom Tancredo
U. S. Office of Education
Region 8
1960 Stout Street
Denver, CO 80294

Dear Tom:

I am pleased that you will be able to meet with the State Board and Commissioner on the morning of June 20 for breakfast. Since several of the board members stay overnight at the Park Suite Hotel, would it be possible to have our breakfast there at 7:30, rather than the Brown Palace? Unless this change poses a problem, we will look forward to a breakfast session at the Park Suite beginning at 7:30, Thursday morning, June 20. We have a work session that we must have before the regular 10:00 board session but we should have ample time for our exchange.

Although I was not able to listen to the Gary Tessler program last week, I understand that there were some very good points raised during that talk show. I was pleased that Don Ament could be a contributor and clarify some of the errors that took place in regard to the mechanics of the resolution. All of us regretted the signatures. Errors were made in some of the signatures and we have corrected that for any future resolutions adopted by the State Board.

From my standpoint, I regret that the resolution was used by an eastern group to urge your resignation from the regional office. That, I know, was certainly not the intent of most of the people signing the resolution. In my case, it was a specific criticism that was limited to the manner in which this conference unfolded and not to be used as a criticism of you and your contribution over the years. As you know, I feel you have made a uniquely positive contribution in serving in the Region 8 office and I have appreciated the support you have given to public education while raising questions about its quality. Your criticisms have been well taken and I have found no problem — and I have certainly not felt a lack of fairness in dealing with public education.

It occurs to me that there may be a point where a letter to the editor might be helpful to clarify the limited criticism expressed by the resolution. If such a letter to the editor would be helpful, why don't you give that some thought. Basically, in such a communication, I would identify my concern for the conference as being one that resulted from a few speakers setting a tone for the conference that appeared to build support for home and private school instruction by disparaging public education. The communication would also point out the many positive things that the regional representative and the regional office have done for the public schools in this state. This is the general direction of such a letter. Give this some thought and see if there is any down side to taking such a step.

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We look forward to talking with you prior to the board meeting. I think this exchange will be very helpful to put the resolution in the context of a broader relationship that has been a very positive one.

Sincerely,

Cd

Calvin M. Frazier
Commissioner of Education

CMF/lm

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Senator Wallop:

Q: A number of national advisory councils, such as the National Advisory Council on Continuing Education, have been established under the aegis of the Department of Education. My staff has identified at least 15 such councils. Do you feel these councils serve any useful function?

A: Many of these councils serve useful functions. They provide the president, the Secretary of Education, and the Congress with recommendations concerning the administration and operation of educational programs in the Department. The members of these councils give advice from perspectives that are different and independent from Departmental officials responsible for administration of the programs and such insights are often valuable. The councils are directed by law and the members are appointed by the President or the Secretary. Their functions are specified either in statutes or in charters issued by the Secretary and include advice on program regulations, changes in legislation, promotion of better intergovernmental relations in education, advice on the distribution and award of Federal grants, and advice on Federal education policy in specific areas.

When councils do not serve useful functions, the Department recommends legislation to abolish them. The legislative authority for the Asbestos Hazards School Safety Task Force recently expired and the task force has been abolished. We believe that the Federal Education Data Acquisition Council duplicates functions performed by the Office of Management and Budget, and we have proposed legislation to abolish it. The Department supports the transfer of the Advisory Council on Dependents' Education to the Department of Defense, which operates the overseas dependents' schools about which the Council advises.

Q: Do you believe that it is necessary to continue these advisory councils in light of our budget deficits?

A: In order to answer the question of necessity, the President ordered, in January, a comprehensive review of all advisory councils and committees. The Department of Education councils will be covered by the review and we may be recommending to the Congress that more be abolished. Inasmuch as all of the 13 advisory committees and councils funded under our 1986 budget request are directed by law, we need congressional action to enable us to discontinue those that are unnecessary.

Q: There are also several State advisory councils established and funded by federal laws, such as the State vocational education advisory councils. Are such councils necessary?

A: The State councils on vocational education are required by the program law. They perform a valuable role in coordinating the vocational education activities in their States by bringing together representatives from the private sector, education organizations, and specialists to review the State plan, identify employment needs, and evaluate programs. They help ensure that vocational education programs are available throughout the State to meet the needs of their State.

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Q: I am particularly concerned about the vocational education councils which may duplicate work done by Job Training Parnership Act state planning bodies. Do you feel there is any duplication?

A: The work of the vocational education advisory councils and the State job training coordinating councils (authorized by the Job Training Partnership Act) should not be duplicative. The vocational education program law requires that one member of the State advisory council be a member of the State job training coordinating council, and the Job Training Partnership Act recommends that members of the State advisory council be considered for membership on the job training coordinating council. The drafters of these two laws clearly intended that the activities be coordinated rather than duplicated.

Q: Once again, would it not be fiscally responsible to terminate such councils? I am concerned about the cost of such councils. For instance, in Wyoming, the advisory councils receives more funds than the State Department of Public Instruction is budgeted for administration of state vocational education programs.

A: The funds available for the State councils and State administration activities are stipulated by the program law. The councils and the State Departments of Education have different types of responsibilities, and both are important in achieving the purposes of this program.

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Senator Grassley:

Q: I am aware of your efforts as chairman of a working group in the Department to address the problem of school discipline. Can you describe your activities and the result of the Department's efforts?

A: As Chairman of the President's Task Force on School Discipline, I have been charged with spearheading President Reagan's campaign against unruly behavior in schools. This effort is making improved discipline and reduced school violence a major focus in fostering excellence in education. The President has developed a five-point plan for Federal action to combat crime and disorder in the schools:

1. President Reagan will continue to focus the nation's attention on the need for school discipline.

2. The Department of Education will conduct extensive research into the school discipline problem and disseminate examples of effective school solutions.

3. The Department of Education will continue to work with the National Institute of Justice on a joint project to assist local school districts to prevent school crime.

4. A National School Safety Center was established in the Department of Justice to work with the Department of Education on school safety problems. The Center will establish a computerized national clearinghouse for school safety resources, and will be publishing handbooks informing teachers and other officials of their legal rights in dealing with disruptive students.

5. In appropriate cases, the Department of Justice is filing "friend of the court" briefs on the side of increasing the authority of teachers, principals, and school administrators to deal with school discipline problems.

Much has been done to accomplish the five points of this discipline initiative. As a result of the President's leadership, States are taking strong stands in the area of school discipline. In total, 32 States and the District of Columbia either have legislation pending or passed, have formed task forces on school discipline, have submitted special reports on discipline or are engaged in other activities.

The demands of citizens that school crime and discipline be corrected at the local level have brought these problems to the forefront of discussions on excellence in education. Now that discipline problems have been acknowledged, school systems are more willing to act. Many school boards, from the large, urban school systems--Boston, Dallas, Buffalo--to smaller districts--Perryville, Maryland and Cicero, Illinois--are undertaking new initiatives to combat school violence and improve school discipline.

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The Department of Justice has established a mechanism to monitor pending cases against school administrators and teachers in which filing amicus curiae briefs might be appropriate. As a result of this mechanism, the Department of Justice filed a "friend of the court" brief in the Supreme Court case, T.S.O. v. New Jersey.

The case involved a disputed search of a girl's purse which held marijuana, a large amount of money, and documentation of the sale of marijuana. The American Association of School Administrators and other groups also filed briefs supporting the State's position. The case gave the Court the opportunity to decide how the Fourth Amendment prohibition against unreasonable searches and seizures applies to students in U.S. schools.

On January 16, 1985, the Supreme Court reversed the findings of the lower court and ruled that school officials are not held to the same standard of probable cause as are the police. Echoing the Department of Justice's amicus brief, the Court noted that "drug use and violent crime in the schools have become major social problems" and that the schools "need to maintain an environment in which learning can take place."

In addition, the major school-related organizations have been alerted to notify the Department of Justice regarding appropriate cases. The National School Safety Center will do the same.

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Senator Pell:

Q: What is the present status of implementing the legislation which allows the use of credit card information in collecting from defaulted borrowers, and do you have any percentages?

Can you provide us with a report of the percentage of "deadbeats" which have been targeted by the use of this legislation and what has been done about it. If not implemented, when?

A: Referral to national consumer credit bureaus of account information on defaulted Federal Insured Student Loans and National Direct Student Loans which have been assigned to the Department began last spring. As of April 1985, a total of 381,035 borrowers have been referred with loan balances totaling more than $626 million. We do not have specific data on the number of defaulted borrowers who have been denied further credit as a result of our referrals. However, we believe that referral of defaulted accounts to credit bureaus serves both as a disincentive to default and as an incentive to repay loans already in default.

The current authority to refer defaulted accounts to consumer credit bureaus applies only to accounts held by the Department of Education (i.e., Federal Insured Student Loans and National Direct Student Loans which have been assigned to the Department). Defaulted Guaranteed Student Loans (GSLs) held by the state guarantee agencies, the majority of the currently outstanding loans, are not required to be referred to credit bureaus. This year the Administration has resubmitted to the Congress an updated version of the "Student Loan Collection Improvement Amendments of 1983" as part of its fiscal year 1986 legislative proposals. Included in this proposed legislation is the expansion of credit bureau reporting requirements to the guarantee agencies, as well as additional student loan collection and default prevention measures. Passage of this important legislation would substantially improve the administration of the student loan programs.

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Senator Metzenbaum:

Q: I understand that President Reagan has asked Secretary Bennett to conduct a study to determine the proper role and structure of education in the Federal Government. What are your views on the role of the Federal Government in education? Do you believe that the Department of Education should be abolished?

A: In this country, States and localities have always had, and appropriately continue to have, the primary responsibility for education. In fact, over 90 percent of the approximately $240 billion spent on education this year will come from State and local resources.

On the other hand, I believe the Federal Government has a critical--but limited--role in American education, to provide national leadership and to help finance education in special areas. Specifically, I perceive three major educational roles for the Federal Government: (1) To ensure access to education for the disadvantaged, the handicapped, needy college students, and others in similar situations through Federal funding of various programs. In fact, over 85 percent of our budget would support programs for such groups. (2) To support educational research and statistical activities. It would be most inefficient for each of the 50 States and 16,000 local school districts independently to conduct research on the same problems. Similarly, the gathering, analyzing, and dissemination of education statistics is clearly a Federal function — and has been since 1867. (3) To provide a leadership role in helping States and localities address critical education problems. A non-intrusive role can be carried out through such initiatives as conferences, technical assistance, speeches, national commissions, and funding for programs geared toward special problems. A good example is the issue of educational quality, which was addressed and highlighted nationally by the National Commission on Excellence in Education. This same issue is being addressed in our budget through support of such programs as the Chapter 2 Block Grant to help States bring about reforms, and the Secretary's Discretionary Fund under which a small amount of money can be used to demonstrate and disseminate quality projects and techniques to States and school districts that can be used in the classroom to improve education.

With regard to the Federal structure, I am certainly committed to the Department of Education as established by Congress, and would consider it my absolute duty to carry out its laws and programs as effectively and efficiently as possible. I do feel that the Federal role and programs within the Department of Education are more important than the specific organization itself. For instance, there may be other structures that would be just as effective as a Cabinet-level Department, without jeopardizing the importance attached to education, its accessibility to the President, or its visibility by the American people. However, as far as I am concerned, this is a moot issue. The Administration's efforts to reorganize education a couple of years ago were not accepted by Congress, and we have so many more important and pressing problems in education to which we want to devote our energies and resources at the Federal level.

In summary, I strongly support a proper Federal role in education, and as Under Secretary I would assure that the Department of Education continues to carry out its mandate as authorized by the Congress.

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Senator Metzenbaum:

Q: On December 14, 1984, the Department's Region VIII representative in Denver, Mr. Thomas Tancredo, distributed at government expense, a speech praising Christian private schools and declaring that "godlessness" has taken over America, "this Christian nation."

Do you think it is proper for a Department of Education official to distribute this kind of material — and at government expense? Was the mailing legal? Has the Department taken steps to ensure that this type of thing does not happen again?

A: It has been a policy of the Department to maintain contact with and, whenever possible, provide information of interest to constituent groups throughout the country. The material in question was sent to approximately 100 elementary and secondary parochial schools throughout Region VIII. Section 3204 (b)(8) of Title 39 of the U.S. Code "...does not prohibit the mailing, as penalty mail, by an officer (or) executive department...of articles or documents to educational institutions..." Despite the lack of judgement shown regarding the content of the speech, the fact that this was an informational mailing to elementary and secondary institutions would appear to be well within the parameters of the statute.

However, I do not endorse nor wish to promote the establishment of a state Christian religion, and do not feel that the mailing in question was representative of the policies of the Department. The material has rightly been criticized for a lack of sensitivity to the legitimate concerns raised by a number of groups, and the Department has taken steps to ensure that incidents such as these are not repeated.

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Senator Metzenbaum:

Q: Two studies released recently contain some disturbing statistics indicating a recent dramatic decline in educational opportunities for minority youth. According to a report by the Childrens Defense Fund, the percentage of black high school graduates going on to college declined from 50 percent in 1977 to 36 percent in 1982. A report released by the American Association of State Colleges and Universities indicates that the percentage of student aid recipients who are minorities declined 12.4 percent between the 1981-82 and 1983-84 school years. I find these figures very disturbing. Do you believe they are accurate? How do you account for them?

Some educators speculate that the Administration's proposals to reduce student aid have discouraged minorities from applying for assistance. Do you think this is true? What action can the Department take to ensure that minority students have access to timely and accurate information about federal financial aid?

A: I do not believe there has been a decline in the percentage of Black student enrollment in higher education relative to total enrollment. In fact, from 1981 to 1983, this percentage has remained stable at about 10 percent. There has been a decline in the percentage of Black participation in higher education, relative to the percentage of Black 18-24 year olds in the overall population.

In the five-year period 1978-1983, while Black participation declined by 3.72 percentage points, Federal aid available to all students increased by over 130 percent -- from $5 billion in 1978 to $11.7 billion in 1983. This demonstrates that perhaps part of the problem regarding Black participation is one of perceptions of opportunity and other socioeconomic factors -- it is not lack of Federal financial assistance. Federal assistance is available. Also, Black participation increased steadily during the 1960s and early 1970s, while Federal student aid was still small.

I am concerned about the recent downward trend in minority participation in general in higher education. However, I do not believe that the factors underlying this trend are readily apparent. Certainly many socioeconomic and psychological factors may be involved. I do not believe that it would be fair to conclude that the relative stability of Federal student aid appropriations in recent years is responsible for this trend.

Some studies indicate that there is no relationship between student financial aid and college participation rates for any group. For example, a study by W. Lee Hansen of the University of Wisconsin using National Longitudinal Study data, could find no statistically significant relationship. Data from the first follow-up study of the 1980 High School and Beyond Survey of high school seniors showed that, controlling for ability (test score quartile), Black college participation rates are substantially higher than those of whites. A similar, but less strong, relationship exists when income is controlled.

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The Department already has programs in place to help ensure that minority students have access to information about Federal financial aid. The Special Programs for the Disadvantaged (commonly referred to as the TRIO programs), the College Assistance Migrant Program, the Migrant High School Equivalency Program, and the Veterans' Cost-of-Instruction Program provide financial aid information and counseling services to individuals from disadvantaged backgrounds.

In addition, the Department supports a number of information dissemination efforts under the student financial aid programs. Departmental publications and application materials are distributed to high school counselors, public libraries, post offices, and college financial aid offices. The Department also provides training for student financial aid officers and high school counselors on available financial aid. The Department sends letters to college presidents, financial aid officers, and high school counselors to inform them regarding changes in financial aid policies and procedures in order to ensure that such individuals are in the best position to provide up-to-date, accurate information regarding finacial aid to all students.

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Senator Metzenbaum:

Q: Today there are those for whom the term "humanism," or "secular humanism" as it is sometimes called, has become a pejorative term, especially when applied to the public schools. Do you think humanism--secular or otherwise--is a problem in the public schools? If so, what should be done about it?

A: It is not the teaching of secular humanism per se that presents a problem in the public schools. It is instead the removal of or lack of interest in teaching or encouraging the importance of values. A student's education should be primarily a learning experience, including building an individual's character and a teacher can and should reflect certain values -- values which transcend religious, social, or political lines. A student should know that there is a difference between right and wrong, that there are not always gray areas, and he should be able to tell the difference. He should realize the importance of a disciplined mind and body, of truth and honesty. He should know what is of value and what to honor. These are the principles which have for too long gone undeveloped in our Nation's schools. While it is primarily a parent's responsibility to teach these values, the parent's teaching at home should not be ignored or undone at school.

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Senator Metzenbaum:

Q: As you know, the Department has recently published regulations implementing the Hatch amendment which prohibits using magnet school funds for courses "the substance of which is secular humanism." Do you believe the Department was correct in leaving the definition of secular humanism up to local school districts? What is your definition of the term?

A: On November 23, 1984, the Department issued proposed rules implementing Title VII (Magnet Schools Assistance) of the Education for Economic Security Act. The term "secular humanism" was not defined in the rules. The only legislative history in existence occurred during consideration of the conference report to accompany the bill. The House Education and Labor Committee Chairman, the late Carl Perkins, stated that the Department is not authorized to promulgate any definition of this term. Chairman Perkins also stated that a determination of which courses are or are not secular humanism should be left "purely up to the judgement of the local educational agencies." The lack of a definition of "secular humanism" leaves the responsibility for defining this term with the States and localities. This is consistent with both my and the Administration's philosophy of returning decisionmaking power to those closest to the schools.

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Senator Metzenbaum:

Q: On March 30 of this year, the Department's Denver office held a conference entitled "Parents as Partners in Education." I understand that speakers at the conference were critical of public schools and promoted private religious schools and "home schooling" as alternatives. In response to the conference, the Colorado State Board of Education passed a resolution condemning "the use of tax money to promote private education to the denigration of public education."

Can you describe for the Committee the purpose of these conferences and tell us whether the Department has plans for continuing these or similar conferences?

A: The purpose of the conference was to encourage active parental involvement in both public and private schools. I believe this conference effectively achieved this objective. Since substantial majority of America's children are educated in public schools, our Parents as Partners in Educational Excellence Conference quite properly dedicated the substantial majority of its agenda to topics which relate directly to public education. Ten of the fourteen conference presentations related directly to public education. Nine of the presenters and facilitators were current or former leaders in public institutions. One of the speakers was the Colorado Department of Education's "Teacher of the Year." Another was the National PTA "Outstanding Educator of the Year." Of the 900 people who attended the Conference, 250 completed evaluation questionnaires, which is a return rate of 27.8 percent. Of these, 87 percent expressed approval of the keynote address by Jack Klenk, Director, Planning and Evaluation Service, U.S. Department of Education; 85 percent were willing to recommend similar conferences to other parents and school officials; 79 percent agreed that the conference better prepared them to exercise their parental rights; and 77 percent believed that they learned to be more effective in helping their children as a consequence of attending this conference. In regard to the resolution passed by the Colorado Board of Education, not a single member of the Board attended the conference. At least two of the members whose signatures appear on the resolution were absent from the meeting at which the resolution was adopted and had no awareness of their signatures being falsely affixed. Attached is a copy of a letter from Calvin Frazier, State Commissioner of Education, apologizing for the resolution. (Attachment)

Q: Would the Department consider having future conferences of this sort follow a more balanced agenda?

A: No additional conferences are currently scheduled, but they may be resumed sometime in the future. We will, of course, endeavor to improve future conferences to the benefit of parents, students, and teachers.

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Q: Who or what office at the Department had responsibility for planning this conference?

A: The Parents as Partners in Educational Excellence conferences were approved by Secretary Bell and implemented by the Regional Liaison Unit, a division of Under Secretary Gary Jones' office. The Director of Regional Liaison at the time was Robert Billings, who like Dr. Bell and Dr. Jones, has since left the Department.

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cde Colorado Department of Education

First Western Plaza
303 West Colfax Avenue
Denver, CO 80204

Calvin M. Frazier
Commissioner of Education

May 31, 1985

Mr. Tom Tancredo
U. S. Office of Education
Region 8
1960 Stout Street
Denver, CO 80294

Dear Tom:

I am pleased that you will be able to meet with the State Board and Commissioner on the morning of June 20 for breakfast. Since several of the board members stay overnight at the Park Suite Motel, would it be possible to have our breakfast there at 7:30, rather than the Brown Palace? Unless this change poses a problem, we will look forward to a breakfast session at the Park Suite beginning at 7:30, Thursday morning, June 20. We have a work session that we must have before the regular 10:00 board session but we should have ample time for our exchange.

Although I was not able to listen to the Gary Tessler program last week, I understand that there were some very good points raised during that talk show. I was pleased that Don Ament could be a contributor and clarify some of the errors that took place in regard to the mechanics of the resolution. All of us regretted the signatures. Errors were made in some of the signatures and we have corrected that for any future resolutions adopted by the State Board.

From my standpoint, I regret that the resolution was used by an eastern group to urge your resignation from the regional office. That, I know, was certainly not the intent of most of the people signing the resolution. In my case, it was a specific criticism that was limited to the manner in which this conference unfolded and not to be used as a criticism of you and your contribution over the years. As you know, I feel you have made a uniquely positive contribution in serving in the Region 8 office and I have appreciated the support you have given to public education while raising questions about its quality. Your criticisms have been well taken and I have found no problem -- and I have certainly not felt a lack of fairness in dealing with public education.

It occurs to me that there may be a point where a letter to the editor might be helpful to clarify the limited criticism expressed by the resolution. If such a letter to the editor would be helpful, why don't you give that some thought. Basically, in such a communication, I would identify my concern for the conference as being one that resulted from a few speakers setting a tone for the conference that appeared to build support for home and private school instruction by disparaging public education. The communication would also point out the many positive things that the regional representative and the regional office have done for the public schools in this state. This is the general direction of such a letter. Give this some thought and see if there is any down side to taking such a step.

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We look forward to talking with you prior to the board meeting. I think this exchange will be very helpful to put the resolution in the context of a broader relationship that has been a very positive one.

Sincerely,

Cal

Calvin M. Frazier
Commissioner of Education

CMF/lm

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Senator Metzenbaum:

Q: A May 29 article in "Education Daily" indicates that the Department is considering a plan to transfer responsibility for the National Center for Research in Vocational Education from the Office of the Assistant Secretary for Vocational and Adult Education to the National Institute of Education.

Is such a plan under consideration? If so, can you explain what would be gained by transferring the Center from the Office of the Assistant Secretary, which has proven over a period of several years to be a highly prudent and effective administrator of this and other national improvement activities? Do you personally favor such a transfer?

Are similar plans being considered to separate program improvement activities from program administration in other areas, such as handicapped education, by possibly assigning handicapped or other research to the National Institute of Education at some future date?

A: The proposal described in Education Daily, and to which your question refers, is one developed by Denis Doyle and Terry Hartle of the American Enterprise Institute, which is a private organization independent of the U.S. Department of Education. The proposal reflects their views.

We are currently developing our own plan for the reorganization of OERI. Their proposal is one of several which are under consideration. Secretary Bennett will, of course, be the one to make the decision as to what the Department proposes, and I expect he will be making his decisions within the next few weeks. In the meantime, staff are reviewing a number of options.

In general, there are both pros and cons to placing research and evaluation activities in OERI or in the specialized Assistant Secretaryships, such as that for Vocational and Adult Education. The report of the National Commission on Excellence in Education, and other recent national reports, remind us that our most pressing educational problem is raising the quality of education for the vast majority of students, not just for those in special categories or receiving special programs. Placement of research and evaluation activities in OERI may help to assure that we view education of the handicapped or vocational education in the context of the educational system as a whole, and that the products of research are usable by the majority of citizens, including parents, teachers, administrators and legislators, who are generalists rather than specialists. The Congress has already mandated that a number of important program evaluations, including evaluation of the Carl D. Perkins Vocational Education Act, be undertaken by the National Institute of Education.

At the same time, the role of expertise in such areas as vocational education or education of the handicapped is obviously very important, and both researchers and practitioners may benefit from close association of the programs with research. There is probably no single "right" organization. However, we are trying to develop the best proposal that we can.

Q: What is your position on prayer in public schools?

A: I support the right of students to have an opportunity to pray in school. I do not believe that the prayer should be prescribed by the school nor should participation in prayer be made mandatory.

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Senator Matsunaga:

Q. Bilingual Education Multifunctional Service Centers (BEMSCs) have the function of training teachers, administrators, and other school support staff on methods and approaches for implementing programs to meet the cultural and linguistic needs of limited English proficient (LEP) students at the local level. Do you support the maintenance and expansion of these Centers?

A. The multifunctional centers play an important role in assisting local schools to build the capacity to provide services to language minority, limited English proficient children. I believe that the 16 centers currently funded are adequate to provide the training and technical assistance needed at this time. I support continuation of this activity.

Q. There are 16 BEMSCs currently servicing limited English proficient students. The 1980 census identified 119,634 Asian children as limited English proficient. While Asian children comprise the second largest group in need of transitional language training, not one of the 16 BEMSCs has the major responsibility for providing technical assistance on the state and local level to Asian language groups throughout the U.S.

It is my understanding that four proposals for a separate Asian BEMSC had been submitted to the Department of Education in 1984 (RFP 85-001, BEMSC for Area 17) and to date none has been selected. The number of Asian professional staff currently employed by BEMSCs (five BEMSCs employ one Asian professional staff person, two of these are part-time) does not begin to meet the training and technical assistance needs of Asian children.

Two factors heighten the need for Asian-specific trainers and services: 1) Asian groups, unlike the Hispanics, include groups with distinctly different languages and cultures, and 2) there is a lack of materials, trained teachers, and reference resources on Asian language groups because of their relatively recent immigration to the U.S.

What is the status of the Asian BEMSC proposals submitted in response to RFP 85-001, Area 17? When will the Department be granting this contract? If no separate Asian BEMSC is funded during the current funding cycle, would you support a contract for such a center in the next funding cycle?

A. The Department has decided not to award a contract for a national Asian center. The new program legislation authorizes the creation of regional centers to assist all limited English proficient students in their service areas rather than centers for specific language and cultural groups. Asian students are being served by the existing centers, and the Department intends to ensure that they and all other eligible students receive the assistance they need to enter the educational mainstream.

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Senator Simon:

Q: The proposed funding level in fiscal year 1985 for bilingual education programs (through Title VII of the Elementary and Secondary Education Act) reflects the Administration's position that funding is adequate or a low priority. With clear demographic evidence of immigration and birth-rates in particular communities showing an increased need for educational assistance for the non-English speaking student population, would you support a continued freeze on funding bilingual programs?

A: The Administration considers the bilingual program to be a high priority and believes that the fiscal year 1986 request is appropriate and consistent with the Federal role in bilingual education. The Federal role, as defined in the statute, is to assist local schools and States to build the capacity to serve language minority, limited English proficient students. The congressionally mandated National Longitudinal Study recently reported finding that 94 percent of such students, as identified by their schools, are being provided with an educational program specifically designed to meet their needs.

Q: In 1982, then Secretary of Education Terrel Bell reported:

> Although local school districts and States are making an effort, schools in general are not meeting the needs of limited English proficient students. Only about a third of [the LEP students identified in a 1978 ED study] received either bilingual instruction...or instruction in English as a second language without the use of their home language.

If the limited English proficiency student population is increasing, and if higher budget years failed to reach <u>two thirds</u> of qualified students, do you feel these students will be best served by freezing programs which serve to bring them into the educational and social mainstream?

A: The statements cited above were based on the Children's English Services Study. However, analysis of that study's survey instrument revealed that it would identify 43 percent of native English speakers as limited English proficient. We believe that this study seriously overestimates the number of language minority, limited English proficient students because of faulty methodology.

As stated above, a more recent study found that 94 percent of language minority, limited English proficient children are being served. Therefore, I believe that the fiscal year 1986 budget request is appropriate and consistent with the Federal role of aiding States and local schools to build the capacity to meet the educational needs of these children.

Q: Do you believe there are other techniques besides bilingual education or instruction in English as a second language to bring limited proficiency children into the educational mainstream?

A. I believe there are methods other than transitional bilingual education and English as a second language which may be effective in preparing limited English proficient children to transfer into regular classrooms. For example, the immersion approach has proven to be quite effective in Canada. The Department currently is conducting a study designed to compare the results of immersion projects in the U.S. with those of transitional bilingual education projects. This long-term study is scheduled to be completed in 1988. The Department expects to begin receiving preliminary reports from the study this year.

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Senator Simon:

Q: I am reliably informed that as many as 75 "former" appointees or employees of the Department have been retained as consultants by the Department of Education. I would be interested to know exactly what these people are doing for the Department, how much they are being paid, and how long they have been or will be on the payroll at taxpayer's expense?

A: As of June 5, 1985 the Department employed 76 Consultant or Experts. Only 14 of these are individuals who previously served the Department under another type of appointment. Attachment A lists these individuals and provides their pay rate, duty basis, length of appointment and area of assignment.

Q: Would you please provide the Committee with the current pay status, including salary and length of service, for all Schedule C employees who have resigned, been terminated or reassigned since Secretary Bennett's confirmation by the Senate on February 6, 1985?

A: The information requested on Schedule C (noncareer) employees who have resigned, been terminated or reassigned since February 6, 1985 is on Attachment B.

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ATTACHMENT A
Consultants or Experts Who Were Formerly
Employed By The Department of Education

Name	:	Thomas C. Anderson
Pay Rate	:	$263.36 per day
Duty Basis	:	Intermittent
Length Of Appt.	:	01-20-85 to 01-19-86
Assignment	:	Provide analysis and assistance to the Secretary regarding appeals from the Education Appeal Board and pending litigation. Provide assistance in assembly of material for Presidential Library.

Name	:	Mary Alice Chambers
Pay Rate	:	$20.38 per hour
Duty Basis	:	Full time
Length of Appt.	:	10-30-84 to 07-31-85
Assignment	:	Provide advice to staff at the White House on issues dealing with education programs or issues before Congress and advisory services to the Secretary on legislative issues.

Name	:	Jacqueline Snelling
Pay Rate	:	$240.00 per day
Duty Basis	:	Intermittent
Length of Appt.	:	08-07-84 to 08-06-85
Assignment	:	Provides advice on developing policy options for support of excellence in education through effective use of Department research work.

Name	:	Samuel Kerrorian
Pay Rate	:	$32.55 per hour
Duty Basis	:	Full time
Length of Appt.	:	03-11-85 to 09-30-85
Assignment	:	Provides advice to Secretary's Regional Representative, Region IX, on intergovernmental roles in carrying out Departmental initiatives.

Name	:	Robert Billings
Pay Rate	:	$263.36 per day
Duty Basis	:	Intermittent
Length of Appt.	:	04-28-85 to 07-26-85
Assignment	:	Assist the Office of Nonpublic Education in preparing an accurate profile of non-CAPE private education community and in developing procedures for dissemination of data to education community.

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Name : Manuel Justiz
Pay Rate : $32.92 per hour
Duty Basis : Full time
Length of Appt.: 04-01-85 to 08-31-85
Assignment : Provide assistance to the Acting Director of NIE during transition and prepare reports on education topics and research agenda.

Name : Gary L. Jones
Pay Rate : $32.92 per hour
Duty Basis : Full time
Lenhth of Appt.: 04-01-85 to 06-30-85
Assignment : Provide a critique on relationships among the current organizations of the Department, present information on initiatives underway and major accomplishments during FY 1984.

Name : Diane Vines
Pay Rate : $215.00 per day
Duty Basis : Intermittent
Length of Appt.: 02-03-85 to 02-02-86
Assignment : Provides advice to the National Adult Literacy Initiative on policy issues, strategies and promoting volunteerism.

Name : Donald Senese
Pay Rate : $32.92 per hour
Duty Basis : Full time
Length of Appt.: 05-01-85 to 06-30-85
Assignment : Provide advisory services on OERI during the transition and on the development of strategies to implement decisions on these programs.

Name : Patricia Casal
Pay Rate : $18.40 per hour
Duty Basis : Full time
Length of Appt.: 09-30-84 to 09-29-85
Assignment : Provide expert services to Assistant Secretary for Special Education and Rehabilitative Services in preparation for meetings, speeches and public appearances.

Name : Gail G. Thomas
Pay Rate : $194.16 per day
Duty Basis : Intermittent
Length of Appt.: 08-28-84 to 08-27-85
Assignment : Advise the Office of Special Education on organization review and job alignment and on use of microcomputers and data processing programs.

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Name	:	Dorothy E. Brown
Pay Rate	:	$164.56 per day
Duty Basis	:	Intermittent
Length of Appt.	:	06-26-84 to 09-30-85
Assignment	:	Provide expert assistance to the Director, Personnel Resource Management Service on integration of personnel specializations and improvement in performance management programs.

Name	:	Helen P. Porter
Pay Rate	:	$206.40 per day
Duty Basis	:	Intermittent
Length of Appt.	:	03-07-85 to 03-06-86
Assignment	:	Provide expert assistance to the Office of Postsecondary Education on management initiatives.

Name	:	Margaret M. Conway
Pay Rate	:	$202.00 per day
Duty Basis	:	Intermittent
Length of Appt.	:	03-06-85 to 03-05-86
Assignment	:	Formulate procedures to be used in legal considerations arising from institutions defaulting on college housing or academic facility loans.

Duty Basis: Intermittent = No prearranged work schedule.

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ATTACHMENT B

Schedule C (noncareer) Employees who
Resigned, were Terminated or were Reassigned
Since February 6, 1985

Name : Laurie Snow
Title : Confidential Assistant to the Assistant Secretary for Legislation and Public Affairs
Salary : GS-12 step 2 $32,673 per annum
Length of Service : 4 years, 11 months and 27 days Federal Service
Action : Resignation effective 02-16-85
Current Pay Status: None

Name : Claire M. O'Donnell
Title : Confidential Assistant to the Deputy Under Secretary for Management
Salary : GS-10 step 3 $25,611 per annum
Length of Service : 4 years Federal Service
Action : Transferred to Executive Office of the White House effective 03-31-85
Current Pay Status: None

Name : Shirley J. Wright
Title : Confidential Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs
Salary : GS-12 step 2 $32,673 per annum
Length of Service : 8 years, 11 months and 5 days Federal Service
Action : Resignation effective 03-30-85
Current Pay Status: None

Name : Lauralee Over
Title : Deputy Assistant Secretary for Civil Rights (Operations)
Salary : ES-1 $61,296 per annum
Length of Service : 3 years, 8 months and 8 days Federal Service
Action : Transferred to Department of Housing and Urban Development effective 03-02-85
Current Pay Status: None

Name : Robert Billings
Title : Director of Regional Liaison
Salary : ES-6 $72,300 per annum
Length of Service : 4 years, 1 month and 26 days Federal Service
Action : Resignation effective 04-27-85
Current Pay Status: Consultant appointment. See attachment A

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Name	:	Donald Senese
Title	:	Assistant Secretary for Educational Research and Improvement
Salary	:	EL-IV $72,300 per annum
Length of Service	:	12 years, 3 months and 25 days Federal Service
Action	:	Resignation effective 04-30-85
Current Pay Status:		Consultant appointment. See attachment A

Name	:	Thomas G. Moore
Title	:	Deputy Assistant Secretary for Public Affairs
Salary	:	ES-2 $63,264 per annum
Length of Service	:	11 months and 24 days Federal Service
Action	:	Resignation effective 04-27-85
Current Pay Status:		None (Served as Consultant through 05-31-85)

Name	:	Teresa Lukach
Title	:	Confidential Assistant to the Assistant Secretary for Legislation and Public Affairs
Salary	:	GS-11 step 2 $27,260 per annum
Length of Service	:	2 years, 5 months and 17 days Federal Service
Action	:	Resignation effective 05-31-85
Current Pay Status:		None

Name	:	Stewart D. McLaurin
Title	:	Confidential Assistant to the Assistant Secretary for Legislation and Public Affairs
Salary	:	GS-9 step 1 $21,804 per annum
Length of Service	:	11 days Federal Service
Action	:	Resignation effective 05-23-85
Current Pay Status:		None

Name	:	John Marshall
Title	:	Executive Assistant to the Deputy Under Secretary for Management
Salary	:	GM-15 $54,004 per annum
Length of Service	:	4 years, 9 months and 21 days Federal Service
Action	:	Transferred to Veterans Administration effective 05-12-85
Current Pay Status:		None

Name	:	Florence Bos
Title	:	Special Assistant to the Administrator for Management Services
Salary	:	GM-13 $38,852 per annum
Length of Service	:	1 year and 18 days Federal Service
Action	:	Resignation effective 05-17-85
Current Pay Status:		None

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Name : Jesse M. Soriano
Title : Director, Office of Bilingaul Education and Minority Languages Affairs
Salary : ES-4 $68,700 per annum
Length of Service : 3 years, 5 months and 16 days Federal Service
Action : Resignation effective 04-16-85
Current Pay Status: None (Served as a Consultant through 05-31-85)

Name : Manuel J. Justiz
Title : Director, National Institute of Education
Salary : $68,700 per annum
Length of Service : 2 years, 5 months and 24 days Federal Service
Action : Resignation effective 03-31-85
Current Pay Status: Expert Consultant. See attachment A

Name : Gary L. Jones
Title : Under Secretary
Salary : EL-III $73,600 per annum
Length of Service : 6 years, 6 months and 22 days Federal Service
Action : Resignation effective 03-31-85
Current Pay Status: Consultant appointment. See attachment A

Name : Lee S. Donoho
Title : Personal Assistant to the Director of Regional Liaison
Salary : GS-9 step 1 $21,804 per annum
Length of Service : 2 months and 2 days Federal Service
Action : Transferred to Health and Human Service effective 04-08-85
Current Pay Status: None

Name : Sharon R. Goldstein
Title : Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services
Salary : GM-13 $38,852 per annum
Length of Service : 6 years, 6 months and 29 days Federal Service
Action : Transferred to Department of Transportation Effective 04-01-85
Current Pay Status: None

Name : Eileen M. Gardner
Title : Policy Advisor
Salary : GM-13 $37,599 per annum
Length of Service : 4 days Federal Service
Action : Resignation effective 04-18-85
Current Pay Status: None

Name : Larry Uzell
Title : Special Assistant to the Under Secretary
Salary : GM-15 $52,262 per annum
Length of Service : 17 days Federal Service
Action : Resignation effective 04-18-85
Current Pay Status: None

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Senator Simon:

Q: The Higher Education Act is scheduled to expire at the end of fiscal year 1985. Although the Congress is not likely to act before that expiration date, legislative action should be completed before the adjournment of the 99th Congress. When do you expect the Department to submit to the Congress its recommendations for the reauthorization of the Higher Education Act? At what point are you within the Administration in your deliberations? Should we expect that the Reagan Administration's recommendations will parallel your FY 1986 budget recommendations?

A: We are now in the midst of our deliberations on reauthorization of the Higher Education Act. It is too soon to give you a precise date for submission of our proposals to the Congress, but we are giving the matter a high priority. I think it is reasonable to expect that many of our recommendations will be similar to those advanced in FY 1986, but it is possible that there will be some significant difference. We are taking a fresh look at all the issues.

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Senator Simon:

Q: The Administration has articulated a strong concern for the historically black colleges and universities, but has been reluctant in its support for legislation which would commit the Federal Government to a short-term program of enhancement for these institutions and the important role they play in providing educational opportunities for low income black students. I will be introducing, sometime next week, a bill to improve Title III of the Higher Education Act and to create the Black College and University Act. I would like to have the Administration's support for this bill and believe it is in your best interest to do so. I have asked my staff to provide you with a copy of the bill for your review and comment prior to introduction. Could I hear from you by June 10, 1985?

A: I will be more than happy to review the bill as soon as we receive it. We will get back to you with our comments as soon as possible.

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Senator Kerry:

Q: Could you please tell the committee your interpretation of the Hatch Amendment and how you see the Department's role in ultimately determining cases brought to the Secretary under the regulations?

A: I interpret the Hatch Amendment to be a law designed to give parents a greater opportunity to become involved in the education of their children. At the moment, it is a law subject to much misunderstanding. Quite simply, the law does two things. First, it requires schools and contractors to make instructional materials available for parental inspection if those materials will be used in any ED-funded research or experimentation program or project in which their children participate. Second, the law requires that schools and contractors obtain written parental consent prior to a student's participation in any ED-funded psychological or psychiatric testing or treatment, if the primary purpose is to reveal any of seven listed categories of "personal" information listed in the regulations. The law does not, as some have suggested, require a school to eliminate a course or program if a parent objects, but rather it is intended to ensure that parents have an opportunity to withhold their consent for their children's participation in activities covered by the law. In short, the law is intended simply to improve parents' opportunities to know what is being taught in the schools and to say that they approve of their children's participation.

As to the Department's role in the review complaints filed by parents of children involved in activities subject to the regulations, we will review each complaint on a case by case basis as they are received. The procedures we are following in our reviews correspond to the regulations in that we first attempt to determine the source of funding. Next, if we find the activity is funded by the Department, we determine whetner the activity falls within the definition of psychological or psychiatric examination or testing or the definition of psychological or psychiatric treatment and that its purpose is to require the student to reveal any of the seven categories of personal information listed in the regulations. Finally, and perhaps most importantly, we take steps to determine whether the parent has exhausted all available local and State complaint resolution procedures before writing the Department.

If the parent's letter appears to meet all of these tests, the Department would begin a review of his/her concerns. Initial steps in this process include writing the school district to inform him/her of the allegations, asking the district to investigate the matter and report the results of that investigation to the Department. After reviewing that response, the Department will: (1) terminate the reviews if it finds no violation; (2) continue further fact finding, if such is necessary; (3) negotiate a voluntary solution, if appropriate; or (4) issue a finding of a violation if negotiations fail. The enforcement procedures available to the Department through the regulation would be exercised only in the unlikely event that all efforts to achieve voluntary compliance are unsuccessful.

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Senator Kerry:

Q: What are the reasons for the expansion of coverage, from the original Hatch Amendment, embodied in the regulations issued by the Department?

A: I do not believe the regulations issued in September of 1984 are an expansion of coverage from the original regulations implementing the Hatch Amendment. The original regulations merely repeated the law without any indication of the scope of coverage or establishment of any procedures for remedying alleged violations of the law or regulations. The current regulations clarify the coverage and establish procedures for processing complaints.

Q: The controversy surrounding the sudden departure of Mr. Larry Uzzell has subsided, but I fear that some of the philosophy may survive. Do you agree with Mr. Uzzell that cuts and/or elimination are in order for elementary and secondary programs including handicapped education? Do you see circumstances in which large cuts would be in order?

A: Mr. Uzzell's statements regarding the Federal role in education are his personal views.

I do not agree that there should be large cuts in Federal funding for elementary and secondary education or for education of the handicapped. In fact, in my present position I directed the formulation of the President's 1986 Budget for the Department of Education.

One of the highest priorities in our entire budget is assistance for disadvantaged and handicapped students at the elementary and secondary education levels.

I would make two points regarding our budget: First, by concentrating scarce resources in areas where they are most needed, we reflected in our budget an increase of the share going to elementary and secondary education from 40 to 46 percent. Secondly, more than 85 percent of our budget would support programs that serve the disadvantaged, handicapped, limited-English-proficient, and others in similar situations.

Even though the Administration had the overwhelming problem of the Federal deficit with which to deal, we have maintained our commitment to major elementary and secondary education programs such as Chapter 1 Aid to Disadvantaged Children, P.L. 94-142 State Grants for Handicapped Children, Vocational Education, Bilingual Education, Indian Education, and Chapter 2 Block Grants.

I certainly cannot now envision circumstances in which large cuts would be in order.

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Senator Kerry:

Q: The Administration has, over many years, claimed that the Federal government's involvement has increased dramatically and that deregulation will cut back that involvement. How do the Hatch Amendment regulations square with this stated philosophy about the role of the Federal government?

A: The regulations square quite well with the Administration's position. Until we issued the final regulations, the only avenue available to a parent who believed a violation of the law had occurred was to file a complaint with the Department. Under the regulations, a parent must demonstrate that he/she has attempted to resolve his/her concerns first at the local level and second at the State level. Our experience to date has shown that most, if not all, school districts have existing complaint resolution procedures in place. In addition, through our work with the education professional organizations, we are aware of such procedures in several States. Finally, under the Department's operating procedures, we have taken steps to ensure that a parent is aware of, and has exhausted, all possible local and State avenues prior to the Department undertaking a review of the parent's concern.

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Senator Kerry:

Q: Adult illiteracy is a large problem across the Nation. Do you think the Department has fulfilled its role in combating this problem? What further actions do you think the Department should take with this problem?

A: I sincerely believe the Department is fulfilling its role in combating this major problem.

Literacy has recently become a major public issue in large part because of the attention called to it by this Administration. In September 1983, President Reagan created the National Adult Literacy Initiative in this Department and called for a national, multi-sector effort on behalf of improved literacy.

The Initiative is a good example of the kinds of leadership activities the Department of Education can undertake without the use of additional funds. Among its activities and accomplishments are the following:

- o Cooperating with the Coalition for Literacy and the Advertising Council in mounting a National Literacy Awareness Campaign. To date, the campaign has begun in 80 percent of the targeted cities.

- o Presuading State and local officials, including Governors, State legislators, Chief State School Officers and mayors, to give greater attention to literacy. Twenty-one States now have significant literacy activities and 24 States are planning increased activities.

- o Through the Federal Interagency Committee on Education, overseeing the Federal Employee Literacy Training (FELT) program, which recruits Federal employee volunteers for literacy. To date, 57 Federal Executive departments and agencies across the country have become involved in FELT and are actively seeking volunteers.

- o In conjunction with the Office of Postsecondary Education, promoting the involvement of postsecondary institutions in literacy activities through communication with college presidents and postsecondary groups. A major effort is the use of college work-study students in local literacy programs. To date, more than 50 schools have received small supplemental grants to conduct literacy work-study projects.

- o Working with special programs for children, such as Head Start and Chapter 1, to create pilot literacy projects for parents of participating children. Sixteen Head Start centers are currently receiving small supplements to conduct literacy activities for parents.

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The Department of Education will continue to support literacy services for over 2 million adult learners through its $100 million Adult Education program. In this regard, the Department will continue to cooperate with federally funded State adult education programs, volunteer literacy programs, business/industry/unions, service organizations, and religious groups. The Department will also remain involved in networking activities for disabled out-of-school youth and adults, and in examining the special literacy needs of minority language groups.

There is a definite need for research to learn how best to teach adults who, for whatever reason, have not reached their full potential. Among other efforts, the Department, through the National Institute of Education, is supporting the National Adult Literacy Project, which is assessing and disseminating information on promising literacy practices and programs.

There is also a need for current and reliable data on the extent of functional illiteracy in the United States. (Most current estimates of functional illiteracy are extrapolations of the 1974 Office of Education Study of Adult Performance Levels.) To this end we have contracted with the National Assessment of Educational Progress to conduct a survey of the literacy levels of young adults. Results of that survey should be available by March of 1986.

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Senator Kerry:

Q: You are on record saying that "God is a central part of the education of our children." Would you tell the committee what role you see for public education in the area of religious teaching and value development?

A: It is my personal view that religion--or God--is a central part of the education of our children. In fact, I am sure a large percentage of the American public would agree with this concept, as did the founding fathers of our country.

However, I also believe that the education of our children involves not only what they learn in school, but also what they learn at home. Parents must decide if, and what kind, of religious teaching their children should receive; but such decisions are personal to each family. The public schools must not, of course, promote any sectarian religion. At the same time the schools should not be hostile to religious beliefs.

In addition, I do believe that all schools--public and private--play a critical role in "value development." Let me hasten to say that when I use the word "values," I refer to those ideas or forms of behavior, universally accepted by our society, which protect the basic rights of our citizens and which have made our country as great as it is. These kinds of values include, for instance, standards of right and wrong, kindness, thoughtfulness, honesty, respect for law, diligence, justice, and self-discipline. Indeed, instilling these kinds of values in our children should begin at home when they are very young, because parental example is perhaps our most powerful teaching tool.

However, when children reach the age of five or six, our schools must help parents to continue imparting these characteristics to their children. This can be done, in large part, through example. Principals and teachers can exert a strong influence on students in such areas as respecting the property of the school; obeying school rules; adhering to honesty in classwork and testing; honoring the rights of fellow students; and avoiding drugs, alcohol, crime, and violence.

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QUESTIONS SUBMITTED BY
SENATOR EDWARD M. KENNEDY
TO
GARY BAUER

JUNE 4, 1985

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ADULT ILLITERACY

As you know, adult illiteracy is a problem of growing proportions. One author, Jonathan Kozol, estimates that at least one-third of all adults in the United States are functionally illiterate. Currently, the Adult Education Act provides $100 million annually for programs to combat adult illiteracy. In spite of this and other efforts on the Federal, state and local levels, the problem continues to increase. I understand that you have been supportive of literacy efforts such as the National Assault on Illiteracy program. This is commendable.

1. Considering the crucial nature of this problem, do you believe we need to expand the federal effort to combat illiteracy?

2. The President's initiative on Adult Literacy is coordinated out of the Undersecretary's Office. There are many programs within the Department of Education, such as Adult Education and various library programs, that relate to adult illiteracy.

How will you coordinate these various activities within the Department?

3. The Department of Labor also has some literacy-related programs.

How will you coordinate the Department of Education's programs with these efforts?

4. The President's initiative on Adult Literacy is presently being administered by an acting director.

Will a permanent director be named?

If so, should this person have special knowledge of the problems of adult illiteracy?

Should this person be knowledgeable of the many interests in the literacy community?

5. How will you support the recommendations of the recent report, BECOME A NATION OF READERS: THE REPORT OF THE COMMISSION ON READING? Do you believe that any of the recommendations should be empahsized to a greater degree than any of the others? If so, which recommendations?

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BILINGUAL EDUCATION

I understand that the reorganization of the National Advisory Council on Bilingual Education will require that new members be appointed. The statute requires that members of this Council be "experienced in dealing with the educational problems of children and other persons of limited English proficiency." I also believe that persons appointed to this Council should be generally supportive to the bilingual education programs. Do you agree?

Funding for bilingual education was cut in 1981 and has remained at that level ever since. At the same time, the population eligible for bilingual education has grown 2 1/2 times more than the general education population. In light of this fact, are you comfortable with the current level of funding for bilingual education?

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DEPARTMENT OF EDUCATION

In January of this year, the President directed Secretary Bennett to conduct a study on the "effectiveness and general role" of the Department of Education. In February, you were appointed to head this study. To date, we have received little information regarding the study.

1. Can you tell us exactly what issues and programs within the Department of Education are encompassed in the study?

2. Are you going to propose a general reorganization of the Department of Education or any of its subdivisions?

3. Does the study propose the termination of any programs or activities within the Department?

4. Does the study include plans for the use of vouchers in any current programs?

5. Will this study in any way question the continuance of the Department of Education?

6. Have you contracted with outside individuals to help conduct the study? If so, whom? Have any members of Congress been consulted?

7. Will the study suggest any improvements in education programs?

8. Will the study raise any new issues in the area of education which have not yet been addressed.

9. Is there a timetable for the study? When can we expect some preliminary results?

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PROGRAMS FOR THE DISABLED

In light of the recent testimony by a top assistant to Secretary Bennett, Eileen Gardner, who has resigned from the Department, I have some grave concerns regarding the Department's commitment to programs for the disabled.

1. What role do you believe the Department should take in providing programs to the disabled?

2. Do you believe that all handicapped children have the right to a "free appropriate public education" as mandated in P.L. 94-142, the Education for All Handicapped Children Act?

3. Do you believe that the Department should provide comprehensive rehabilitation services designed to help physically and mentally handicapped persons become employable as set forth in the Rehabilitation Act of 1973 as amended?

4. Is the Department working on any structural or philisophical changes in programs for the disabled, particularly P.L. 94-142 and the Rehabilitation Act which will be reauthorized next year?

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KENNEDY CENTER NATIONAL EDUCATION COMMITTEE

Secretary Bennett has designated you as his representative to the Kennedy Center National Education Committee. The Education Committee oversees important programs for children and youth including USA Very Special Arts, Reading Is Fundamental and other valuable activities for children and the handicapped. In 1974, Congress earmarked funds for these programs under the Secretary's Discretionary fund. We have continued our commitment to these programs by providing funding increases.

1. It has come to my attention that President Reagan in his 1986 Budget proposed that the earmark for these programs be eliminated under the Secretary's Discretionary fund. Give the uniqueness and success of these programs, I believe that they should continue to be earmarked in this fashion. What are your views on this issue?

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HIGHER EDUCATION

As you know, the Higher Education Act is scheduled to be reauthorized by the end of next year. Other than the proposals that were put forward in the President's FY 86 budget, we in the Congress have no idea what the Administration is proposing for the reauthorization of these programs.

This concerns me. The budget proposals for higher education were harsh and extreme. The proposals in student aid would have eliminated more than one million students currently receiving student aid. It would have reduced student aid for thousands of others. Most other higher education programs would have been cut or eliminated.

1. Did you agree with these proposals when they were being put forward?

2. Do you agree with them now?

3. Does the Administration plan to put forward these same proposals for reauthorization?

4. When will the Congress have an opportunity to see the Administration's higher education proposals?

REGIONAL OFFICE

I was recently informed that the Department of Education plans to consolidate a number of regional offices, which includes closing the Region 1 Office in Boston. Is this true and if so, will you consult with my staff prior to any final action?

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RESEARCH

It is my understanding that the Department of Education wants to reorganize the research activities, particularly the National Institute of Education and the National Center for Education Statistics.

1. Can you give us details on the Department's reorganization proposals?

2. When will we see the Department's plans?

3. What relationship will this have to the Office of Education Research?

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Senator Kennedy:

Q: How will you support the recommendations of the recent report, BECOMING A NATION OF READERS: THE REPORT OF THE COMMISSION ON READING? Do you believe that any of the recommendations should be emphasized to a greater degree than any of the others? If so, which recommendations?

A: There are many ways in which the Department is supporting this excellent report. One of the most important ways is to use the "bully pulpit" to bring the report to public attention. Secretary Bennett has spoken about it many times. To take one example, a lengthy interview with the Secretary in the May 13 edition of USA Today focused primarily on the topic of literacy and the teaching of reading.

The majority of the recommendations in the report are aimed at parents, teachers, administrators and others outside Washington. These individuals, and not the U.S. Department of Education, are the ones whose responses to the report are most critical. The role of parents in encouraging their children to read may be the most critical of all.

Another form of support we are providing is to continue to fund important research on reading and literacy. Through the National Institute of Education, for example, we are now conducting an assessment of the literacy skills of a national sample of young adults ages 21 to 25. Results of this study, costing about $2 million, will be available in 1986. The study was especially commissioned by the Department as part of the National Assessment of Educational Progress (NAEP) program.

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Senator Kennedy

Q: I understand that the reorganization of the National Advisory Council on Bilingual Education will require that new members be appointed. The statute requires that members of this Council be "experienced in dealing with the educational problems of children and other persons of limited English proficiency." I also believe that persons appointed to this Council should be generally supportive to the bilingual education programs. Do you agree?

A: The membership of the new National Advisory and Coordinating Council on Bilingual Education will be announced within the next few days. In addition to the general requirement cited in your question, the law establishes specific requirements for 15 of the 20 members. I agree that persons appointed to the Council should be supportive of the broad range of bilingual education approaches defined in Part A of the new authorizing statute.

Q: Funding for bilingual education was cut in 1981 and has remained at that level ever since. At the same time, the population eligible for bilingual education has grown 2 1/2 times more than the general education population. In light of this fact, are you comfortable with the current level of funding for bilingual education?

A: The Administration considers the bilingual program to be a high priority and believes that the fiscal year 1986 request is appropriate and consistent with the Federal role in bilingual education. The Federal role, as defined in the statute, is to assist local schools and States build the capacity to serve language minority, limited English proficient students. The congressionally mandated National Longitudinal Study recently reported that 94 percent of such students, as identified by their schools, are being provided with an educational program specifically designed to meet their needs.

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Senator Kennedy:

Q: In January of this year, the President directed Secretary Bennett to conduct a study on the "effectiveness and general role" of the Department of Education. In February, you were appointed to head this study. To date, we have received little information regarding the study.

A: Actually, the Secretary asked me for such an assessment within days of his nomination by the President. I immediately provided him with a brief, but comprehensive analysis of the Department's offices and programs, describing their purposes, operations, effectiveness, proposed reforms, and the feasibility of the reforms. The part on "proposed reforms" and their "feasibility" was done, of course, in the context of then-existing Administration budget and legislative policies.

We both agreed that it made sense to keep the study requested by the President within the context of the budget and legislative development process. During this annual process, we examine the effectiveness of all our programs and evaluate them in terms of their Federal role and other criteria. We also address issues of organization and management, as does the Office of Management and Budget. The fiscal year 1987 budget and legislative development process will be the Secretary's first opportunity to conduct such a review and to make broad policy recommendations to the President.

In proceeding in this matter, we also wanted to avoid any undue anxiety or perceptions, on the part of the staff of the Department, as well as the education community, that there is any "hidden agenda" in such an undertaking. Since the budget and legislative process involves both staff and program offices, and both political appointees and career staff in the Department, we feel that this will be the most appropriate mechanism.

Q: Can you tell us exactly what issues and programs within the Department of Education are encompassed in the study?

A: The study will encompass all issues and programs within the Department of Education--ranging from such major questions as what is an appropriate Federal role in education, to a review of which of the Department's individual programs are working and which are not.

Q: Are you going to propose a general reorganization of the Department of Education or any of its subdivisions?

A: We do not plan a general reorganization of the Department of Education. On the other hand, if any specific areas are identified as needing management improvements to make them operate more effectively and efficiently, we would certainly want to look at them and propose appropriate solutions. For example, at the present time we are reviewing options for improving our structure for research and statistics activities--an area with many related and overlapping responsibilities for which coordination has been seriously hampered by organizational and

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governance problems within the Office of Educational Research and Improvement. In fact, Congress itself is now looking at these same questions. I cannot perceive of any additional areas at the present time--particularly of this magnitude.

Q: Does the study propose the termination of any programs or activities within the Department?

A: Our budget and legislative cycle for fiscal year 1987 is now in its initial planning stages, so there is nothing currently proposed for termination. However, if certain programs or activities are identified as having met their objectives, being duplicative of other Federal programs, or not reflecting an appropriate Federal role, I would presume that we may recommend their termination--as has been done in the past by Administrations of both political parties.

Q: Does the study include plans for the use of vouchers in any current programs?

A: The study does not include plans for the use of vouchers in any current programs--other than Chapter 1, where we have a legislative proposal pending. However, if an individual program is identified as appropriate for such an option, we may consider making such a recommendation to Congress.

Q: Will this study in any way question the continuance of the Department of Education?

A: Our review will not question the continuance of the Department of Education. The Administration's proposal to reorganize the Department several years ago was rejected by Congress; and, more importantly, we have too many serious and pressing issues in American education to which we must devote our resources and energies.

Q: Have you contracted with outside individuals to help conduct the study? If so, whom? Have any members of Congress been consulted?

A: No, we have not contracted with outside individuals to help conduct the study. We feel that existing staff within the Department, in the context of our budget and legislative process, will be fully adequate to perform such a review.

Q: Will the study suggest any improvements in education programs?

A: I would certainly anticipate that selected improvements in education programs will be recommended to Congress--to make them both more responsive to our clientele and more accountable to taxpayers in general.

Q: Will the study raise any new issues in the area of education which have not yet been addressed?

A: With the national focus and attention on education over the past two years, I think we have already identified most issues. However, this will be an open process, and if new questions are raised or new problems identified, we will certainly address them.

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Q: Is there a timetable for the study? When can we expect some preliminary results?

A: The timetable will follow the normal, orderly cycle of our budget and legislative process, which will culminate in recommendations when the President transmits his fiscal year 1987 budget and legislative proposals to Congress--probably in late January or early February of 1986. It is possible, however, that in such areas as higher education and educational research, where reauthorization efforts are underway in the Congress, recommendation may be made earlier.

Q: In light of the recent testimony by a top assistant to Secretary Bennett, Eileen Gardner, who has resigned from the Department, I have some grave concerns regarding the Department's commitment to programs for the disabled.

What role do you believe the Department should take in providing programs to the disabled?

A: The primary responsibility of the Department of Education, regarding the education of handicapped children, is to provide Federal leadership and direction. In this regard, the Department should continue to identify policy and programmatic issues and promote effective programming for disabled persons. This includes efforts to work with other Federal, State, and local agencies; the private sector; parent and professional organizations; private schools; and organizations of handicapped persons. The Department also provides limited fiscal and professional resources to States and localities to help them provide appropriate educational opportunities for the handicapped. Education, employment, and independent living are continuing priorities of this Department and the Administration.

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Senator Kennedy:

Q: Do you believe that all handicapped children have the right to a "free appropriate public education" as mandated in P.L. 94-142, the Education for All Handicapped Children Act?

A: As with all statutes under the auspice of the Department of Education, it is our duty to see that the provisions of the Education of the Handicapped Act, as amended by P.L. 94-142, are efficiently and effectively carried out. I hold a deep committment to the power of education and the need of all children, including handicapped children and youth, for a proper education. The Department is making every effort to assure that all disabled children are afforded a free appropriate public education.

Q: Do you believe that the Department should provide comprehensive rehabilitation services designed to help physically and mentally handicapped persons become employable as set forth in the Rehabilitation Act of 1973 as amended?

A: Providing services to help physically and mentally handicapped persons not only become employable but also find and maintain employment are important Department priorities. This year we are sponsoring a special initiative to help States develop supported employment programs for severely handicapped persons who have traditionally been believed to be incapable of productive work. The programs will provide the type of ongoing support needed to enable many of these persons to earn wages in integrated work environments. I believe there is an important Federal role in enabling disabled persons to realize their productive potential and become wage-earning members of the society, which our supported employment initiative demonstrates.

Q: Is the Department working on any structural or philosophical changes in programs for the disabled, particularly P.L. 94-142 and the Rehabilitation Act which will be reauthorized next year?

A: The Department has not yet begun considering any specific options for reauthorization of programs under P.L. 94-142 or the Rehabilitation Act. We are currently conducting a number of evaluations of both programs, and hope to have the benefit of findings from some of those studies as we begin preparing any possible Departmental reauthorization proposals.

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Senator Kennedy:

Q: Secretary Bennett has designated you as his representative to the Kennedy Center National Education Committee. The Education Committee oversees important programs for children and youth including USA Very Special Arts, Reading is Fundamental and other valuable activities for children and the handicapped. In 1974, Congress earmarked funds for these programs under the Secretary's Discretionary fund. We have continued our commitment to these programs by providing funding increases.

It has come to my attention that President Reagan in his 1986 Budget proposed that the earmark for these programs be eliminated under the Secretary's Discretionary fund. Given the uniqueness and success of these programs, I believe that they should continue to be earmarked in this fashion. What are your views on this issue?

A: The current nomenclature, which designates the 6 percent setaside under Chapter 2 of ECIA as the Secretary's Discretionary fund, is ironic. In fact, only about 25 percent of the Discretionary fund is truly discretionary to the Secretary of Education. The remainder has in recent years been earmarked by Congress for five programs: Reading is Fundamental; Arts in Education; Alcohol and Drug Abuse Education; Law-Related Education; and the National Diffusion Network. We believe that the Secretary of Education should be able to set priorities for his own discretionary fund, and that is the reason why this proposal was included in the 1986 President's Budget.

Nonetheless, we would continue to provide funding for these programs in 1986 at about the same level as in fiscal 1985, even if we are successful in convincing Congress to remove the earmarks. We have stated as part of the fiscal 1986 budget hearings that level funding is our best estimate for these programs during fiscal 1986.

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Senator Kennedy:

Q: As you know, the Higher Education Act is scheduled to be reauthorized by the end of next year. Other than the proposals that were put forward in the President's FY 86 budget, we in the Congress have no idea what the Administration is proposing for the reauthorization of these programs.

This concerns me. The budget proposals for higher education were harsh and extreme. The proposals in student aid would have eliminated more than one million students currently receiving student aid. It would have reduced student aid for thousands of others. Most other higher education programs would have been cut or eliminated.

1. Did you agree with these proposals when they were being put forward?

2. Do you agree with them now?

3. Does the administration plan to put forward these same proposals for reauthorization?

4. When will the Congress have an opportunity to see the Administration's higher education proposals?

A: I will answer each of your questions in turn:

1. The FY 1986 budget proposals were consistent--in terms of priorities--with Department proposals. While I did not propose the major concepts that finally became part of our budget, I supported them.

2. Right now, of course, most of these proposals have become moot as a result of the compromises worked out between the Administration and the Congress over the FY 1986 budget resolution. Currently, there is an agreement, in the area of student aid, to cut $200 million in the Guaranteed Student Loan program and the expectation is that the savings will be realized through changes that will not adversely affect students.

3. All our policies are being re-examined in the context of reauthorization. No final decisions have been made.

4. I cannot give you a specific date at this point for submission of our reauthorization proposals; however, we are giving their development a high priority.

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Senator Kennedy:

Q: I was recently informed that the Department of Education plans to consolidate a number of regional offices, which includes closing the Region I office in Boston. Is this true and if so, will you consult with my staff prior to any final action?

A: Along with other government agencies, the Department has undertaken a review of its regional operations to see if services could be delivered more effectively or efficiently. The review should be finished soon. However, as of now, there are no specific plans to close any regional offices, including the one in Boston. I will be glad to consult with your staff before any decision is made which might result in closing the Boston Regional Office.

Q: It is my understanding that the Department of Education wants to reorganize the research activities, particularly the National Institute of Education and the National Center for Education Statistics. Can you give us details on the Department's reorganization proposals?

A: Several proposals are under review at the staff level, and the Secretary has not made his decisions. Under these circumstances, it would be premature to discuss details.

Q: When will we see the Department's plans?

A: Through the automatic one-year extension provided by section 414 of the General Education Provisions Act, the National Institute of Education is authorized through the end of fiscal year 1986. Nonetheless, we hope to put forward a proposal shortly, probably within the next month or two.

Q: What relationship will this have to the Office of Education Research?

A: We are considering reauthorization of the activities of the National Institute of Education simultaneously with the reorganization of the Office of Educational Research and Improvement of which the Institute is now a part. Our goal is not only to authorize and conduct these several research, development, and dissemination activities, but to assure that they are managed as effectively and efficiently as possible.

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Senator STAFFORD. Beyond that, the Chair, without objection, is going to place in the record several letters of support for your confirmation; one from the National Assault on Illiteracy Program. One from the National Association of Secondary School Principals. One from the National Association of Elementary School Principals. And one from the New York Educators for Excellence.

[The letters referred to above follow:]

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National
Assault On Illiteracy Program
A nationwide community-building program of Community Motivators, Inc.
William Waters, President

410 Central Park West (PH-C) New York, N.Y. 10025 (212) 866-0800

May 7, 1985

The Honorable Orrin G. Hatch
U.S. Senator
#125 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Hatch:

Re: Confirmation Support Request For Gary Bauer As Under Secretary Of The U.S. Department Of Education

As you can see from the cover of the attached Manual on AOIP, we are a massive and unique coalition of well over 80 national Black-led organizations. We have coalesced in an historic and unbelievable way because of the grave illiteracy situation within Black America. Our rate of adult Black functional illiteracy (over 47%) is approximately three times as high as the estimated rate of 16% among adult White Americans. Obviously, nothing could be of much more importance to any of us.

On the inside cover page of this Manual is a declaration of both concern and support from the U.S. Department of Education. We are exceedingly proud of that... and no one within the Department provided us more counselling and moral support than did the office of Gary Bauer. (Everyone within AOIP is a volunteer. There are no paid salaries...and therefore we don't solicit grants for such.)

We could say many extraordinary things about this exceedingly fine, highly sensitive and unusual human being. Yet, nothing would be more appropriate than to tell you that we in Black America need Gary Bauer as Under Secretary of the U.S. Department of Education.

Our request is that you use all the influence of your good offices to expedite his confirmation. Also, please know that the approximately 15-million constituents of our more than 80 national organizations are available to provide equal support for your worthy causes. So, please help confirm Gary...and let us hear from you as to your needs from us.

Most appreciatively yours,

Ozell Sutton

Ozell Sutton

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nassp The National Association of Secondary School Principals
1904 Association Drive • Reston, Virginia 22091 • Tel: 703-860-0200

May 22, 1985

Dear Senator Hatch:

We wanted you to know that Dr. Gary Bauer has our support for appointment to the position of Under Secretary of Education. We have enjoyed working with Dr. Bauer over the past three years, and we believe his experience and capability are admirably suited for the appointment.

Many thanks for your consideration of our view.

Sincerely,

Scott D. Thomson

Scott D. Thomson
Executive Director

The Honorable Orrin G. Hatch
United States Senate
Washington, D. C. 20510

SDT:rm

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NAESP

1985 MAY 23 AM 9:42

National Association of
Elementary School Principals

May 21, 1985

The Honorable Orrin Hatch
135 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch:

I know that in a few days you will be considering the confirmation of Mr. Gary Bauer as Under Secretary for the Department of Education.

As your committee considers this important appointment, I wanted you to know the positive association that we have had with Mr. Bauer since he joined the Department. Even though we do not agree on all issues, we have found Mr. Bauer responsive and very willing to take time to review and discuss program activities that would, in the end, enhance the educational opportunities for the children and youth of this Nation.

We, therefore, would welcome the opportunity to work with him in this new capacity.

Sincerely yours,

Samuel G. Sava

Samuel G. Sava
Executive Director

SGS/lp

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N. Y. EDUCATORS FOR EXCELLENCE

BERYL DORSETT, CHAIRMAN

May 30, 1985

The Honorable Orrin G. Hatch
Chairman, Senate Committee on Labor and Human Resources
SD-428 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch: RE: Confirmation of Dr. Gary Bauer

The New York Educators for Excellence urges your strong support and confirmation of Dr. Gary Bauer as Under Secretary, United States Department of Education. Dr. Bauer, a man of dignity, integrity and inspiration, has distinguished himself as an outstanding and knowledgeable educator. He brings to this position a wealth of experiences and a deep commitment to education. His accomplishments speak for themselves.

The New York Educators for Excellence with a membership of more than two hundred educators--teachers, administrators, and professors--is genuinely interested in meeting the educational needs of our diversed population and in bringing educational reform and improvement to our school systems. In our recent contacts with the United States Department of Education, we found Dr. Bauer to be receptive to new ideas, knowledgeable, accessible, respectful of diversified opinions and committed to educational excellence. His depth of experiences led to his equally deep understanding of the complexities of racially and culturally mixed groups. His suggestions, comments and resources were greatly appreciated.

As a Black American, Republican, chairman of this group, teacher, parent of students in private and public schools, board member of a prestigious private school, and advocate of educational reforms, I and members of this group have found it a pleasure to work with Dr. Bauer.

We pride ourselves in having developed a strong and positive relationship with Dr. T. H. Bell and Dr. Gary Jones, and were instrumental in implementing their mandated educational initiatives and goals with great success. We now look forward to the educational leadership of Dr. Bauer as he works closely with Secretary William J. Bennett to bring about educational changes.

2989 YOUNG AVENUE
BRONX, N. Y. 10469
(212) 231-1171

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The Honorable Orrin G. Hatch
Chairman, Senate Committee on Labor and Human Resources

The New York Educators for Excellence unreservedly recommends Dr. Gary Bauer's Senate confirmation as Under Secretary of the United States Department of Education and thanks you profoundly for your strong leadership and support.

Yours truly,

Beryl Dorsett

Beryl Dorsett, Chairman

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Senator STAFFORD. And the Chair is unaware of any other Senators who were supposed to come this afternoon, and that being the case, unless you have some final statement you wish to make, Mr. Bauer, we are about to close the meeting.

Mr. BAUER. Mr. Chairman, I want to thank you for your involvement today, and I look forward to working with you. And I certainly will be responsive to any questions that other members may have.

Senator STAFFORD. Are you willing to appear in front of any committee of the Senate or House that asks you to come up here?

Mr. BAUER. Absolutely.

Senator STAFFORD. Thank you

With that, the committee stands adjourned.

[Whereupon, at 3 p.m., the committee adjourned, subject to the call of the Chair.]

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